¶MAGNA Charta, cum ſtatutis, *tum antiquis, tum recentibus*, maximopere, animo tenendis nunc dēmum ad vnum, tipis ædita, per Richardum Tottell.

(.˙.)

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Anno domini. 1576.

¶Cum priuilegio ad imprimendum ſolum.

¶ To the Reader.

He former booke intituled Magna Charta, did contein diuers olde ſtatutes lawes, and other things, although good, not verye neceſſary to be had in one ſo portable a volume, and the ſame confuſely and not orderly digeſted, and in many places (for want of perfect coppies) veryé falſye. This cõteyneth the moſt neceſſarie of thoſe olde ſtatutes, and diuers later and newe ſtatutes moſt conuenient to bee had, perfect and ready, not onely by al ſtudents of the lawe for their priuate ſtudies, readings, mootes, boltes, caſes and other exercyſes, but alſo by the practiſers of the ſame for their daylie affaires and cauſes, which ſtatutes be thoſe that are conteyned in the table next following: wherein the ſtatutes whiche this booke conteineth, are in ſuche order as they bee placed in this booke. The

¶ To the Reader.

other table doth conteyne the titles in order of Alphabet, wherein the ſtatutes in thys booke conteyned, are collected, in the collection of ſtatutes compiled by maſter Raſtall: whiche titles, are ſet in this booke, ouercuerie ſuche parte of the ſaide ſtatutes, as are in that collection, and thereynto is added the nomber, at the whiche the ſame is to bee found in the collection. The woordes conteyned betweene the two plaine ſtrikes, which ſometimes yee ſhall find in the booke doe ſhewe what is corrected or added to the ſtatutes more then was before imprinted, the corrections whereof, are to be warranted by diuers auncient coppies, which haue ben carefully conferred for the ſame purpoſe.

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¶ Magna Charta edita.

An, nono Henrici tercij.

EDwardus dei gratia, Rex Anglie dominus Hibern̄, & dux Aquitanie, archiepiscopis, episcopis, abbatibus, prioribus, com̄, baronibus, Justic̄, vic̄, p̄positis, ministris, & omnib⁹ balliuis & fidelib⁹ suis salutē. Inspexim⁹ Magnā chartam domini H. quōdam regis Anglie patris nr̄i de libertatib⁹, Anglie in hec verba.

¶ Henricus dei gratia Rex Anglie dominus Hibernie, dux Normañ et Aquitanie, & comes Andeg, Archiep̄is, episcopis, abbatib⁹, prioribus, comitibus, baronib⁹, vic̄, p̄positis, ministris, & omnibus balliuis, et fidelib⁹ suis p̄ñtem Chartam inspecturis salutē. Sciatis quod nos intuitu dei, & pro salute anime nr̄e, & animarum antecessorum et successorū nostrorum, ad exaltationem sctē ecclesie, & emēdationem regni nostri, spontanea et bona volunte nostra, dedimus & concessimus Archiepiscopis, ep̄is, abbatibus, prioribus, com̄, baronibus, et omnibus liberis de regno nr̄o has libertates subscript̄, tenēd̄ in regno nr̄o Angl' in perpetuum.

¶Fraunchiſes.1. cap.1.

¶In primis conceſſimus deo, et hac preſenti Charta noſtra confirmauim⁹ pro nobis & heredꝫ noſtris imperpetuum, quod eccleſia Anglicana libera ſit, & habeat omnia iura ſua integra, & libertates ſuas illeſas. Conceſſim⁹ etiam & dedimus omnibus liberis hominib⁹ regni noſtri, pro nobis et heredibus noſtris, in perpetuum has libertates ſubſcript, tenendꝫ & habendꝫ eis & heredꝫ ſuis de nobis et heredibus nr̄is in perpetuum.

¶Reliefe.1. cap.2.

¶Si quis com̄, vel baronū noſtrorū, ſiue aliorū tenentiū de nobis in capit̄ p ſeruitium militar̄, mortu⁹ fuerit, & cū deceſſerit, heres ei⁹ plene etatis fuerit, & relenium nobis debeat, habeat hereditatē ſuā per antiquū releuium, ſcz herez vel heredez comitis de com̄ integro, per centū libras, heres vel heredes baronis de baronia integra, p centū marcas, heres vel heredes militis, de feodꝫ militis integro, per centum ſolidos ad plus. Et qui minus habuerit, minus det, ſecundum antiquā conſuetudinē feodorū.

¶Wardes.1. ca.3

¶Si autem heres alicuius talis fuerit infr̄ etatem, dñs eius non habeat cuſtodiam eius, nec terre ſue, antequam homagiū ceperit. Et poſtquam talis heres fuerit in cuſtodia, cum ad etatem pervenerit (ſcilicet xxi annorum) habeat hereditatē ſuā ſine releuio, & ſine fine ita tamen, q̄ ſi ipſe (dum infra etatem fuerit) fiat miles, nihilominus terra remaneat in

cuſtodia

custodia dominorum suorum, vsq; ad terminum p̄dictum.

¶ Wast. 1. cap. 4.

¶ Custos terre huiusmodi heredis, qui infra etatē fuerit, nō capiat de terra heredis, ni si rationabiles exitus, et rationabiles consuetudines, & rationabilia seruitia, et hoc sine destructione et vasto hominum et rerum. Et si nos cōmiserimus custodiā alicuius talis fre vič vel alicui alij, qui de exitibus terre illius nobis debeat respondere, et ille de custodia illa, destructionē, vel vastum fecerit, nos ab eo capiemus emendā, & terra committat duobus leg. & discretis hominibus de feodo illo, qui de exitu terre illius nobis respondeant, vel illicui nos [illā] assignauerimus. Et si dederimus, vel vēdiderimus alicui, custodiā alicui talis fre & ille inde destructionem fecerit, vel vastū, amittat illā custodiā, et tradat duob [discret & leg hominibus de feodo illo, qui similiter nobis respondeant, sicut p̄dictum est. [Vide Gloſ ca. 5. & W. 1. ca. 21]

¶ Wast. 2. ca. 5.

¶ Custos autē q̄diu custodiā terrē hmōdi habuerit, sustētet domos, parcos, viuaē, stagna, molendina &c. ad terram illam ptinentia, de exitu terre eiusdē, et reddat heredi, cū ad plenam etatem peruenerit, terrā suam tot instauratam de carucis et omnibus aliis rebus, ad minus sicut illam recepit. Hec omnia obseruent de custodijs archiepiscopatuum, epatuū abbatiarum, priozatuum, ecclesiarum, et dignitatum vacantium, que ad nos pertinent,

excepť quod custod̄ huiusmodi vendi non debent.

¶ Wardes. 2. cap. 6.

¶ Heredes autem maritentur absque dispa ragacione.

¶ Women. 1. cap. 7.

¶ Vidua post mortem mariti sui statim et sine difficultate aliqua habeat maritagiū suū & hereditatē suā: nec aliquid det pro dote sua nec pro maritagio suo, vel pro hereditate sua habenda quam hereditatem maritus suus & ipsa tenuerunt simul, die obitus ipsius mariti sui, & maneat in capitali mesuagio mariti, sui, ꝑ quadraginta dies post obitū mariti sui infra quos dies assignet̄ ei dos sua, nisi prius ei assignata fuerit, vel nisi domus illa sit castrum, & si de castr̄ recesserit, statim dom⁹ ei competens prouideatur, in qua possit honeste morari, quousque dos sua ei assignetur, scd̄m quod pred̄ est, & habeat rationabile estouerium suū interim de cōi. Assignetur autem ei ꝑ dote sua, tertia pars toti⁹ terť mariti sui, que fuit sua in vita sua, nisi de minori fuerit dotata ad ostium ecclesie. Nulla vidua distringatur ad se maritādū |dūmod̄ voluerit viuere sine marito| Ita tamē qd̄ securitatem faciat, quod se non maritabit sine assensu nostro, si de nobis tenuerit, vel sine assensu domini sui, si de alio tenuerit| Prerogať regis ca. 4,

¶ Dette to the king. 1. ca. 8.

¶ Nos vero vel balliui nostri, non seisiemus terram aliquam, vel redditum ꝑ debito

aliquo

aliquo, q̃ diu cattalla debitoꝛis p̃sentia sufficiunt ad debitum reddend̃, ⁊ ipse debitoꝛ paratꝰ sit inde satisfacere. Nec pleg [ipsiꝰ] debitoꝛis distringantur, quam diu ipse capitalis debitoꝛ sufficiat ad solutionem ipsius debiti. Et si capitalis debitoꝛ defecerit in solutione debiti, non habens vnde soluat, aut reddere noluerit cum possit, plegij de debito rñdeant ⁊ si voluerint habeant terras et reddit̃ debitoꝛis, quousq; sit eis satisfact̃ de debit̃, q̃ antea pro eo soluerint, nisi capitalis debitoꝛ monstrauerit se inde esse quiet̃ versus eosdẽ plegias.

¶ Fraunchises. 2. cap. 9.

¶ Ciuitas Londoñ habeat omnes libertates suas antiquas, ⁊ consuetudines suas. Preterea volumus ⁊ cõcedimus, qd̃ omnes alie ciuitates, burg ⁊ ville, ⁊ barones de quinque poꝛtibus, et omnes alii poꝛtus, habeant omnes libertates, ⁊ liberas consuetudines suas | Articul' sup cartas. ca. 7.

¶ Tenure. 1. ca. 10.

¶ Nullus distringatur ad faciendum maius seruitiũ de feodo militis, nec de alio libero tenemento, quam inde debetur.

¶ Comon plees 1. ca. 11.

¶ Communia placita non sequantur curiã nostram, sed teneantur in aliquo loco certo. | Articul' sup cart̃ ca. 4

¶ Assise 1. ca 12.

¶ Recognitiones de noua disseisina, et de moꝛte antecessoꝛis, nõ capiantur, nisi in suis com̃, et hoc modo. Nos vero si extra regnũ

fuerimus, capitales Justic̄ nostri mittēt iustic̄ nostros per vnumquemq; com̄ semel in anno, qui cum militibus eorundem com̄, capiant in comit̄ illis assis. pred̄. Et ea que in aduentu suo in illo comitatu per iustic̄ nostros pred̄ ad dictas assisas capiend̄ missos, terminari non possunt per eosdem terminēt̄ alibi in itinere suo. Et ea que per eosdem propt̄ difficultatem aliquorum articulorum terminari non possunt, referantur ad iustic̄ nostros de banco, & ibi terminentur.

¶Darreine Presentment. I cap. 13.

¶Assise de vltima presentacione, semper capiantur coram Justic̄ de banco, et ibi terminentur.

¶Amerciement. I. cap. 14.

¶Liber homo non amercietur pro paruo delicto, nisi secundum modum illius delicti, et pro magno delicto secundum magnitudinē delicti, saluo sibi contenemento suo: et mercator eodem modo salua mercandisa sua, et villanus alterius quam noster, eodem modo amercietur saluo wainagio suo, si inciderit in misericordiam nostram. Et nulla predictarū misericordiarum ponatur, nisi per sacrament̄ proborum & legal̄ hominum de vicineto. Comites et barones, non amercientur nisi per pares suos, et non nisi secundum modum delicti. Nulla ecclesiastica persona, amercietur secundum quantitatem beneficij sui ecclesiastici, sed secundum laicum ten̄ suum, & secundum quantitatem delicti.

¶Banks

¶Banks 1. Cap.15.

¶Nulla vilա,nec liber homo distringatur facere põtes,aut riparias,nisi qui ab antiquo & de iure facere consueuerunt tẽpore Henrĩ regis aui nostri |al' de iure facere debent.

¶Bankes.2. Cap.16.

¶Nulle riparie defendantur de cetero, nisi ille que fuerunt in defenso tempore Henrici regis aui nostri|et|p eadem loca.et eosdem terminos.sicut esse consueuerũt tempore suo.

¶Plees of the Crowne.1. Cap.17

¶Nullus vĩ,constabularius,cozonator, vel alij balliui nostri,teneant placita cozone nostre.

¶Dette to the king 2. Cap.18.

¶Si quis tenens de nobis laicum feodum moziatur,& vĩ,vel balliuus noster ostendat litteras nr̃as patẽtes de|sõmonicione nostra| de debito,q̃ defunct⁹ nobis debuit,liceat vĩ vel balliuo nostro attachiare, & imbreuiare omnia bona et catalla defuncti inuẽta in laico feodo ad valẽtiam ipsius debiti,p visum & testimoniũ leg̃ hominũ,ita tamẽ q̃ nihil inde amoueatur, donec psoluat nobis debitũ, q̃ clarum fuerit,et residuum relinquatur executoribus ad faciendum testamentum defuncti .Et si nihil nobis debeatur ab ipso,omnia catalla cedant defuncto, saluis vxori eius,et |liberis| pueris suis, rationabilibus partib⁹ suis.

¶Castels.1. Cap.16.

¶Nullus constabularius, vel eius ballin⁹

capiat blada, vel alia catalla alicuius qui nō sit de villa vbi castrum suum situm est, nisi statim reddat denarios, aut respectum inde habere possit de voluntate venditoris. Si autem de villa illa fuerit infra quadraginta dies precium reddō |W.1.ca.7.et 31.

¶ Castels 2. cap.20.

¶ Nullus constabularius distringat aliquem militem, ad dandum denarios pro custodiā castri, si ipse eam facere voluerit, in propria persona sua, vel per alium probū hominem faciat, si ipse eam facere non possit, propter rationabilem causam. Et si nos adduxerimus, vel miserimus eum in exercitum, sit quietus de custodia castri secundum quantitatem temporis, quo per nos fuerit in exercitu, de feodo pro quo fecit servicium in exercitu.

¶ Purueiours 1. cap.21.

¶ Nullus vic vel balliuus nr, vel aliquis alius, capiat equos, vel carectas alicui⁹ pro cariagio faciēdo, nisi reddat liberationē antiq statutā, sc̄z p vna carecta ad duos equos decem denarios per diem, et pro carecta ad tres equos quatuordecim d. p die. Nulla carecta dominica alicuius psone ecclesiastice, vel militis, vel alicuius dñi p balliuos nros capiatur, nec nos, nec balliui nostri, nec alij capiemus boscum alienum ad castra, vel ad alia agenda nostra, nisi per voluntatem illius cuius boscus ille fuerit.

¶ Forfeiture. 1. cap.22.

¶ Nos non tenebimus terras illorū, qui con-

conuicti fuerint de felonia, nisi per vnum annum et vnum diem: et tunc reddantur terr̄ ille dn̄is, feodorum. | Prerog. regis ca. vlt.

¶ Weres 1. cap. 23

¶ Omnes Kidelli deponantur de ceter̄ penitus p Thamesiam, & Medewein, & p totā Angl. nisi per costeram maris.

¶ Right. 1. cap. 24.

¶ Breue quod vocatur Precip̄ in capit̄ de cetero non fiat alicui de aliquo libero tenemento, vnde liber homo perdat curiam suā.

¶ Weights. 1. cap. 25.

¶ Vna mensura vini sit per totum regnū nostrum, & vna mensura ceruicie, et vna mēsura bladi, scilicet quarterium Lond̄, et vna latitudo pannorum, tinctorum, russatorū, et haubergettarū, sc̄z due vine infra listas. De ponderibus vero sit sicut de mensuris.

¶ Fine to the king. 1. cap. 26.

¶ Nihil de cetero detur, pro breui inquisitionis, ab eo qui inquisitionem petit de vita, vel de membris, sed gratis concedatur, & nō negetur. | W. 2. ca. 29.

¶ Wardes. 3. cap. 27

¶ Si aliqui teneāt de nobis p feodi firmā, vel per socagium, vel burgagiū, & de alio teneant terram per seruicium militare, nos nō habebim⁹ custodiā heredis, nec terr̄ sue, que est de feodo alterius, occasione illius feodi firme, vel socagii vel burgagij. Nec habebim⁹ custodiā illius feodi firme, vel socagij, vel burgagij, nisi ipsa feodi firma nobis debeat seruicium militare. Nos non habebimus custodiā

custodiam heredis, vel alicuius terre quam tenet de aliquo alio per seruitium militare, occasione alicuius parue seriantie, quã tenet de nobis per seruitium, reddendõ nobis cultellos, sagittas vel huiusmodi.

¶ Wager of Law 1. Cap. 28.

¶ Nullus ballinus de cetero ponat aliquẽ ad legem manifestam, nec ad iuramentũ simplici loquela sua, sine testibus fidelibus, ad hoc inductis.

¶ Accusacion 1 Cap. 29.

¶ Nullus liber homo capiatur, vel imprisonetur, aut disseisietur de libero tenemento suo, vel libertatibus, vel liberis consuetudinibus suis, aut vtlagetur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus nec super eum mittemus, nisi per legale iudicium parium suorũ, vel per legem terre. Nulli vendemus, nulli negabimus, aut differemus iusticiam vel rectum.

¶ Marchants, 1 Cap. 30

¶ Omnes mercatores, nisi publice antea prohibiti fuerint, habeant saluum & securum conductum, exire de Anglia, et venire in Angliam, et morari, et ire per Angliam, tam per terram, quam per aquam, ad emendũ vel vẽdendum, sine omnibus malis tolnetis, p antiquas et rectas consuetudines, preterquam in tempore guerre. Et si sint de terra contra nos guerrina, et tales inueniantur in terra nostra, in principio guerre, attachientur sine damno corporum suorum, vel rerum, donec sciatur a nobis, vel a capitali Iustic̃ nostro, quo-

quomodo mercatores terre nostre tractentur, qui tunc inueniantur in terra illa contra nos guerrina. Et si nĩi salui sint ibi, alĩ salui sint in terra nostra.

¶ Tenure. 2. Cap. 31.

¶ Si quis tenuerit de aliqua escaeta, sicut de honore Walingford, Notingh. Boloñ, [Lanc] & de alijs escaetis, que sunt in manu nostra, & sint baronie, et obierit, heres eius non det aliud relevium, nec faciet nobis aliud seruicium quã faceret baroni, si [illa] baronia esset in manu baronis, et nos eodem modo eã tenebimus, quo baro eam tenuit. Nec nos occasione talis baronie vel escaete habebim⁹ aliquam escaetam, vel custodiam aliquorum nostrorum hominum, nisi de nobis alibi tenuerit in capite ille qui tenuit [de] baronia vel escaeta illa.

¶ Tenure. 3. Cap. 32.

¶ Nullus liber homo det de cetero amplius alicui, vel vendat [alicui] de terra sua, quã vt de residuo terre sue possit sufficienter fieri domino feodi seruitiũ ei debitum, qđ pertinet ad feodum illud.

¶ Vacations &c. 1 Cap. 33.

¶ Omnes patroni abbatiarũ, qui hñt chartas regũ Anglie de aduocatione, vel antiquã tenurã vel possessionẽ, hẽant earum custodiã cum [vacauerint] sicut habeẽ debent, sicut superius declaratum est [ca. 5.]

¶ Appelles. 1 Cap. 34.

¶ Nullus capiat imprisonet propter appellũ femine de morte alteri⁹ quã viri sui. 2. H. 6. 29. a.

¶ County

¶County & Tourne. I. cap. 35.

¶Nullus comitatus de cetero teneatur nisi de mense in mensem, & vbi maior termin⁹ esse solebat, maior sit [vide 2. Ed. 6. ca. 25.] Nec aliquis vicecomes vel ballivus su⁹ faciat turnum suum per hundredum, nisi bis in anno, et nō nisi in loco debito et cōsueto, videlicet semel post Pascha, et iterum post festū sancti Michaelis. Et visus de franc plegio tūc fiat ad illum terminum sancti Michaelis sine occasione. Ita ꝙ quod quilibet habeat libertates suas, quas habuit vel habere consuevit tempore regis Henrici aui nostri, vel quas postea perquisiuit. Fiat autem visus de frāc pleg. sic, videlicet quod pax nostra teneat & quod Trithinga teneatur integra sicut esse consueuit, & quod vicecomes non querat occasiones, & contentus sit de eo quod dic̄ habere consueuit de visu suo faciendo, tempore H. regis aui nostri. [vide Mart' ca. 10.

¶Mortmaine I. cap. 36.

¶Nec liceat de cetero alicui, dare terram suā, alicui domui religiose, ita quod illā resumat de eadem domo tenēd. Nec liceat alicui domui religiose terrā alicuius sic accipere, q tradat illā illi a quo eam accepit tenend. Si quis autem de cetero terram suam, alicui domui religiose sic dederit, & super hoc cōuincatur, donum suū penitus cassetur, et terra illa domino illius feodi incurratur [vide statuti de Religiosis. añ. 7. E. 1.

¶Escuage. I. cap. 37.

¶Scutagium de cetero capiat sicut capi con-

consuenit tempore H. regis aui nostri.

¶ Fraunchises. 3. cap. 38.

¶ Et salue sint archiepiscopis, episcopis, abbatibus, prioribus, templariis, hospitalariis, comitibus, baronibus, & omnes alias tã ecclesiasticis personis quam secularib⁹, omnes libertates et libere consuetudines quas prius habuerũt. Omnes autem istas consuetudines & libertates predictas quas concessimus in regno nr̃o tenend̃ (quãtũ ad nos pertinent) erga nos et heredes nostros obseruemus, et omnes de regno nostro tam clerici q̃ laici obseruent (quantũ ad se pertinent) erga suos. Pro hac autem donatione & concessione libertat̃ istarũ, & aliarũ libertat̃ contentarũ in Charta nostra de libertatib⁹ foreste, archiepiscopi, episcopi, abbates, priores, comites, barones, milites, libere tenentes, & omnes de regno nostro dederunt nobis quintodecimã partẽ omniũ mobilium suorũ | vide stat̃ 7. añ. 25. E. 3. | Concessimus etiã eisdem pro nobis et heredibus nr̃is, quod nec nos nec heredes nostri, aliquid perquiremus, per quod libertates in hac Charta contente infringantur vel infirmentur. Et si ab aliquo contra hoc aliquid perquisit̃ fuerit, nihil valeat et pro nullo habeatur. His testibus Bonifacio Cantuarien̄ Archiepiscopo E. Londoñ Episcopo et aliis. Dat̃ apud Westm̃ decimo die Februarij. Anno regni nostri nono.

¶ Nos autem donationes et concessiones predictas ratas habentes, & gratas, eas pro nobis

nobis et heredibus nostris, concedimus & cõfirmamus, easq; tenore presẽtium innouam⁹ volentes et concedentes pro nobis et heredibus nostris, quod Charta nostra pred in omnibus & singulis suis articulis in perpetuum firmiter et inuiolabilitur obseruetur, etiam si aliqui articuli in eadem Charta contenti, hucusq; forsitan non fuerint obseruati de cetero obseruentur. His testibus venerabilibus patribus R. Cantuariensi Archiepiscopo totius Anglie primati A. Dunelm Episcopo &c. Datum per manum nostram apud Westmonasterium xxviij. die Martij. Anno regni nostri vicesimo octauo. [Vide Marlebr̃ ca. 5.]

¶ Charta de Foresta edita. Anno Henrici. iij.

EDwardus dei gratia rex anglie, dominus Hibern̄, & dux Aquitan̄, archiepiscopis, episcopis, abbatibus, prioribus, com̄, baron̄, Justic̄ | forestarijs | vic̄, p̄positis, ministris, & omnibus balliuis, & fidelibus suis salutem. Inspeximus chartam domini H. quondam reg. Anglie partis nostri, de foresta in hec verba Henricus dei gratia &c. vt supra in principio Magne Charta.

¶ Forest.

¶Forest. cap.

¶In primis omnes Foreste, quas H. auꝰ noster afforestauit, videantur per bonos & leg̃ homines. Et si boscum aliquem alium q̃ suũ dñicũ afforestauerit, ad damnũ illiꝰ cuius boscus ille fuerit, statim deafforestet̃. Et si boscũ suum proprium afforestauerit, remaneat foresta, salua coĩa de herbagio, & aliis in eadem foresta, illis qui prius eam habere consueuerunt.

2 ¶Homines vero qui manẽt extra forestã non veneant de cetero corã iustic̃ nostris de foresta ꝑ cões sũmonitiones, nisi sint implacitat̃, vel plegij alicuius vel aliquorũ, qui attachiati sunt prorter forestam.

3 ¶Omnes autem bosci qui fuerũt afforestati per regem Ricm̃ auunculum nostrũ, vel per regem Johannem patrem nostrum vsq; ad primã coronationem nost̃, statim deafforestentur, nisi sit dominicus boscus noster.

4 Archiepiscopi, episcopi, abbates, priores, comites, barones, milites, et liberi tenentes qui habent boscos suos in forestis, habeant boscos suos, sicut eos habuerunt tempore prime coronacionis regis Henrici aui nostri ita qd̃ quieti sint in perpetuum, de omnibus purpresturis, vastis, & assertis, factis in illis boscis post illud tempus vsque ad principium secundi anni coronacionis nost̃. Et qui de cetero vastum, purpresturam, vel assartum, (sine licencia nostra) in illis fecerint de vastis, purpresturis & assartis nobis respõdeant.

5 ¶Regar=

5 ¶ Regardatores nostri, eant per forestã ad faciendũ regardum, sicut fieri consuevit tempore primæ coronationis regis H. aui nr̃i & non aliter.

6 ¶ Inquisitio vel visus de expeditatione canũ existentium in foresta nostra, de cetero fiat qñ fieri dz regardum, scz de tercio anno in tercium annum. Et tunc fiat p visum & testimonium leg. hoim, et non aliter. Et ille cuius canis inuentus fuerit tunc non expeditatus det pro mia tres solidos. Et de cetero nullus bos capiatur pro expeditatione canum. Talis autem expeditacio fiat per assisam ciuiliter vsitatam, videlicet quod tres ortelli abscindantur sine pellota de pede anteriori. Nec expeditent canes de cetero, nisi in locis vbi consueuerunt expeditari tempore primæ coronationis prędi regis H. aui nostri.

7 ¶ Nullus forestarius vel al' ballivus de cetẽ faciat scotalas, vel colligat harbas, vel auenã, vel bladũ aliquod, vel agnos, vel porcellos nec aliquam collectã faciat, nisi p visũ et sacrm xij. regardatorũ, quando faciũt regardũ. Tot forestarij ponantur ad forestas custodiendũ quot ad illas custodiendũ rõnabiliter viderint sufficere.

8 ¶ Nullum Swanimotum de cetero teneat in regno nostro, nisi ter in anno, videlicet in principio xv dierum ante festum sancti Michaelis, quãdo agistatores nostri conueniunt ad agistandũ dñicos boscos nostros & circa festum Sancti Martini in Hiemẽ qñ agistatores nr̃i debent, recipere parnagiũ

nostrum

nostrum. Et ad ista duas swanimota conueniant forestarij, viridarij, & agistatores, & nulli alij p̄ districtionem. Et tertiū swanimotū teneatur in initio. xv. dierum āte festum sācti Johannis Baptiste, p̄o venacione bestiarum nostrarum. Et ad illud swanimotū teneno conueniant forestarij, viridarij, & non alij p̄ districtionem. Preterea singulis. xl. diebus per totū annū conueniant forestarij, et viridarij, ad videnō attachiamenta de foresta, tam de veridi quam de venatione, p̄ p̄sentationem ipsorū forestariorum, & coram ipsis attachiet. Predicta autē swanimota non teneantur nisi in com̄. in quibus teneri consueuerunt.

9 ¶ Unusquisq; liber homo, agistet boscū suū in foresta p̄ voluntate sua, & habeat pannagium suum. Concedim⁹ etiā q̄ unusquisque liber homo ducere possit porcos suos p̄ dñicum boscū nr̄m, libere & sine impedimēto ad agistandos eos in boscis suis p̄pr̄is, vl̄ alibi ubi voluerit. Et si porci alicuius liberi hominis una nocte pernoctauerint in foresta nostra, non inde occasionet unde aliquid de suo perdat.

10 ¶ Nullus de cetero amittat vitam, vl̄ membra p̄ venatione nr̄a. Sed si quis capt⁹ fuerit & conuict⁹ de captione venationis nr̄e, grauiet redimat, si habeat unde redimi possit. Si autem nō habeat unde redimi possit, taceat in prisona nr̄a p̄ unum ānum & unū diem. Et si post unū annū & unum diem pleg. inuenī possit quod amplius de vena-

natione nostra non forisfaciet| exeat de prisona, sin autem, abiuret regnum Anglie.

11 ¶ Quicunq; archiepiscopus ep̄us, com̄, vl' baro, veniens ad nos ad mandat̄ nostrū, transierit per forestam nostram, liceat ei, capere vnam bestiam, vel duas, per visum forestarij si presens fuerit, sin autem faciat cornare, ne videat̄ hoc furtiue facere. Hoc idem liceat eis redeundo facere, sicut predict̄ est.

12 ¶ Unusquisq; liber homo de cetero sine occasione faciat in bosco suo, vel in terra sua siue in aqua q̄ hēt in foresta nostra, molend̄ viuat̄, stagnū, marleram, fossat̄, vel t̄rā arabilē extra coopart̄ in terra arabili, ita quod non sit ad nocument̄ alicui⁹ vicini.

13 ¶ Unusquisq; liber homo habeat in boscis suis aereas accipitrū, esperuat̄ falconū, aquilarū, et hieronū. Hēat similiter mel, qd̄ inuent̄ fuerit in boscis suis.

14 ¶ Nullus forestari⁹ de cetero, qui non sit forestarius de feod̄, reddens nobis firmā ꝓ balliua sua, capiat chimmagium aliquod in balliua sua. Forestarius autem de feodo firmā nobis reddens pro balliua sua, capiat chīmagium, videlicet pro carecta per dimid̄ annum duos denarios, et per alium dimidiū annum, duos denarios, et ꝓ equo qui portet summagiū per dimid̄ annum obulū, & ꝑ aliū dimidiū annū obulum, & nō nisi de illis, q̄ de extra balliuā suā, tanq̄ mercatores veniunt ꝑ licenciā suam, in balliuā suā, ad boscū maremiū, corticē, vel carbonē emend̄, et alibi

ducend̄

ducend ad vendendum vbi voluerint. Et de nulla alia carecta, vel equo portante summagiū aliqō chimmagium capiatur. Et nō capiatur chimmagiū, nisi in locis in quib⁹ antiquitus capi solebat et debuit. Illi autem q̄ portant supra dorsum suum boscum, corticē vel carbonem ad vendēd̄, p̄ quis inde viuant, nullum de cetero dent chimagiū forestarijs nostris, preterq̄ in dominicis boscis nostris.

15 ¶ Omnes vtlagati pro foresta tantum a tempore regis H. aui nr̄i vsq; ad primam coronationem nr̄am, veniant ad pacē nr̄am sine impedimento, et saluos plegios nobis mueniant, quod de cetero non forisfacient nobis in foresta nostra.

16 ¶ Nullus constabularius, castellan⁹, vel balliuus teneat placita de foresta, siue de viridi, siue de venatione nostra, sed quilibet forestarius de feodo attachiet placita de foresta, tam de viridi quam de venatione, et ea presentet viridariis prouinciarū, et cū irrotulata fuerint, et sub sigillis viridariorum inclusa, p̄sententur capitalibus iusticiē nostris de foresta, cum in partes illas venerint ad tenendū placita de foresta, et corā eis eminēt. Has aut libertates de forestis concessim⁹ ōnib⁹ &c. Saluis archiepis. episcopis, abbatib⁹, prioribus, comitib⁹, baronib⁹, militib⁹, et aliis plonis tam ecclesiasticis quam secularibus, templarijs, et hospitalarijs, libertatibus et liberis consuetudinib⁹ in forestis, et extra, in warennis et alijs, quas prius habuerunt:

Omnes autē istas cōsuetudines &c. vt in fine magne Charte. Nos aut donationes &c. vt in fine eiusdem magne Charte &c. | Vide Marlebr̄, cap. 5.

¶ Incipit Statutum de Merton edit̄ Anno. xx. Hen. iii. &c.

PRouisum est in Curia domini regis apud Merton, die Mercurij, in crastino sancti Vincentij, anno regni regis Hērici filij regis Johannis xx. coram W. Cantuarien, si archiepiscopo, et coepiscopis, suffraganeis suis, et coram maiori parte comitum & baronū Anglie ibidem existentium, pro coronatione ipsius domini regis et Helionore regine, ꝑ qua omnes vocati fuerunt, cum tractatum esset de communi vtilitate regni super articulis subscriptis, ita prouisum fuit & concessum, tam a predictis archiepiscopis, episcopis, comitibus, baronibus, quam ab ipso rege, et alijs.

¶ Dower I. Cap. I.

¶ De viduis primo, que post mortem virorum suorum, expelluntur de dotibus suis, et dotes suas, vel quarentenam | suam | habere non possunt sine placito, videlicet quod quicunq; deforciauerit eis dotes suas, vel quarentenam suam, de tenementis de quib⁹ viri sui obierint seisit̄, et ipse vidue postea ꝑ | placitum | recuperauerint, ipsi | defort̄ | de iniusto

feme ddt en dower ne recorda ascun damage sinō [illegible] Baron mor sei ꝑ cē estate. M Ehz: 2 ꝑ f. a.

iniusto deforciamento conuicti fuerint, reddant eisdem viduis damna sua, scilicet valorem totius dotis eas contingentis, a tempore mortis virorum suorum, vsq; ad dic̄ quo ipse vidue per iudicium curie seisinam suam inde recuperauerint. Et nihillominus ipsi deforciatores sint in misericordia domini regis.

¶Willes.1. Cap.2.

¶Item omnes vidue de cetero possint legar̄ blada sua, de terra sua, tam de dotib⁹ suis, q̄ de alijs terris et tenementis suis, saluis | consuetudinibus & | seruitijs dominorū de feodo, que de dotibus & alijs ten̄ suis debentur.

¶Redisseisin.1. Cap.3.

¶Item si quis fuerit disseisit̄ de libero ten̄ suo, & corā iustic̄ itinerantibus seisinam suā recuperauerit, p assisam noue disseisine, vel per recognitionem eorum qui fecerint disseisinam, et ipse disseisitus per vic̄ seisinā suā habuerit, si idē disseisitores postea, post iter iustic̄ vel infra, de eodem ten̄ iterum eundē conquerentem disseisiuerint, et inde conuicti fuerint, statim capiantur et in prisona domini regis detineantur, quousq; per dominum regem per redemptionē, vel aliquo alio modo, deliberentur. | Vide Marlibr̄ capit̄. 8. | Et hec est forma qualit̄ tales conuicti puniri debeant, videlicet cū cōquerentes ad curiā veniant, habeāt br̄e dn̄i regis vic̄ directum, in quo contineatur eorum narratio de disseisina facta super disseisinam. Et ideo mandet̄

vic doit prender. 2 al merits 23. ass. 7. rom: 393.

vic, ꝙ assũptis secum custodib⁹ placitorum corone dñi regis, & aliis legalib⁹ militib⁹, in ꝓpria ꝑsona sua accedat ad teñ illud, vel ad pasturam illam, de quib⁹ facta fuerit querela, et corã eis per primos iuratores, et ꝑ alios vicinos, et legales homines | de vicineto illo | diligẽtem inde faciat inquisicionem. Et si ipsum iterum inuenerint disseisitũ (sicut predictum est) tunc faciant secundum ꝓuisionem predictam, sin autem, tunc sit conquerẽs in miseritordia domini regis, & ali⁹ quietus recedat. Nec debet vic (sine speciali precepto dñi regis) huiusmodi loquelam prosequi. Eodem modo fiat de illis. qui seisinã recuperauerint ꝑ assisã mortis ãtecessoris, et similiter de omnibus terris & teñ recuperatis ꝑ iurat in curia domini regis, si postea disseisiti fuerint a prioribus deforciatoribus, vers⁹ quos recuperauerint per iurat quoquomodo, | vide W. 2. ca. 26.

¶ Approuements. 1. Cap. 4.

¶ Item quia multi magnates Anglie, q̃ feoffauerunt milites et | alios | libere tenentes suos de paruis tenementis in magnis maneriis suis, questi fuerunt, quod commodũ suum facere non potuerunt de residuo maneriorum suorum, sicut de vastis, boscis, et pasturis | communibus | cum ipsi feoffati habeant sufficientem pasturam, quantum pertinet ad teñ sua | ita | prouisum est, et concessum, quod quicunq; huiusmodi feoffati assisam noue disseisine deferant de communia pasture sue, et corã iustic recognitum fuerit

quod

quod tantam pasturam habeant, quantum sufficit ad teñ sua, et quod habeant liberum ingressum et egressum, de |liberis| tenementis suis, vsq; ad pasturam suam: tunc inde sint contenti, et illi de quibus conquesti fuerint recedant quieti, de hoc quod commodũ suũ de terris, vastis, boscis, et pasturis fecerint. Si autem dixerint, quod sufficiẽtem pasturam non habeant, vel sufficientem ingressũ |vel| egressum, quantum pertinet ad teñ sua, tunc inquiratur veritas per assisam Et si ꝑ assisam recognitum fuerit, quod per eosdem deforciatores, in aliquo fuerit impeditus, eorum ingressus vel egressus, vel qđ non habeant sufficientem pasturam, et sufficientem ingressum et egressum, sicut predictum est: tunc recuperent seisinam suam, per visum iuratorum, ita quod ꝑ discrecionem & sacramẽtum eorum, habeant conquerentes sufficientem pasturam, et sufficiẽtem ingressum et egressum in forma predicta, & disseisitores sint in mĩa dñi regis, & damna reddãt, sicut reddi solent ante prouisionem istam. Si autem recognitum fuerit ꝑ assisam, qđ querentes sufficientẽ habeant pasturam, cũ libero & sufficienti ingressu et egressu, sicut p̃dictũ est: tunc licite |et libere| faciãt |domini| commodũ suũ de residuo, et recedant de illa assisa quieti. |W.2 ca.48.|

¶Vsury.1. Cap 5.

¶ Similiter prouisũ est, & a domino rege concessũ, quod de cetero non currẽt vsure cõtra aliquem infra etatem existeñ, a tempore

mortis antecessoris sui, cuius heres ipse est, vsq; ad legittimam etatem suam, ita tamen qđ propter hoc non remaneat solutio debiti principalis simul cum vsuris ante mortem antecessoris sui, cuius heres ipse est inde ꝓuenientibus.

¶Wardes.4. Cap.6.

¶De hered̃ per parentes, vel per alios, contra pacem vi abductis, vel detentis, seu maritatis, ita prouisum est, quod quicunque laicus, inde conuictus fuerit, quod puerũ aliquem sic detenuerit abduxerit, seu maritauerit, reddat perdenti valorem maritagii: & pro delicto corpus eius capiatur, vt imprisonetur, donec perdenti emendauerit delictũ, si puer maritetur: et preterea donec domino regi satisfecerit pro trãsgressione sua. Et hoc de herede infra quatuordecim annos existen̄. De herede autem cũ sit quatuordecim ãnorum, vel vltra, vsq; ad plenam etatem, si se maritauerit sine licentia dn̄i sui vt ei auferat maritagiũ suũ, et domin⁹ eius offerat ei rationabile maritagium, vbi non desperagetur dominus suus tunc teneat terrã eius vltra terminum etatis sue, scilicet. xxi. annorũ, per tantũ tẽpus qđ inde possit percipere duplicẽ valorẽ maritagii, secundũ estimationem legaliũ hominum, vel scđm qđ ei pro eođ maritagio prius fuerit oblatũ sine fraude & malitia, & secundũ qđ ꝓbari poterit in curia domini regis.

¶Wardes.5. Cap.7.

¶De dn̄is qui maritauerint illos quos habent

habēt in custodia villanis vel aliis, sicut burgens vbi desperagētur: si talis heres fuerit infra.xiiij.annos & talis etatis qd consentire non possit matrimonio: tunc si parentes conquerantur de illo dño, dñs ille amittat custodiam vsq; ad etatem heredis, & omne commodū, quod inde perceptū fuerit, conuertat in commodum ipsius heredis qui infra etatē est, secundum dispositionem & prouisionem parentum suorū, propter dedecus ei factum. Si autē fuerit.14.ānorū & vltra, qd consentire poterit, et talii maritagio cōsenserit, nulla sequatur pena. Si quis heres cuiuscunq; fuerit etatis pro dño suo se noluerit maritare, non compellat hoc facere sed cū ad etatem puenerit, det dño suo & satisfaciat ei de tanto quantū inde pcipere posset ab aliquo p maritagio suo antequā terrā suam recipiat, et hoc siue se voluerit maritare, siue non: quia maritagium eius, q̄ infra etatem est de mero iure pertinet ad dominum feodi.

¶Limitac.I. Cap.8.

¶De narratione discens⁹ in breui de recto ab antecessore a tempore H.regis senioris āno & die, prouisū est qd de cetero nō fiat mētio de tam longinquo tempore, sed a tempore H.regis aui nostri, & locū habeat ista puisio ad Penthecosteñ Anno regni dñi regis nūc.xxi. & non antea: & breuia prius impetrata procedant. Breuia mortis antecessoris, de natiuis, & de Ingressu, non excedant vltimū reditū dñi regis Johānis de Hiberñ in Angliam, et locum habeat ista puisio &c. vt sup

Breuia

Brevia none diſſ, non excedāt primā trāſt, dñi regis qui nunc eſt in Waſcoñ, & locū habeat iſta puiſio a tēpore ꝺdicto, & brevia pr̄ impetrata procedant. | Vide. W. 1. cap. 39. & 32. H. 8. cap 2.

¶ Baſtardy. I. Cap. 9.

¶ Ad bñc regis de Baſtardia vtrū aliquis natus ante matrimoniū habere poterit hereditatem, ſicut ille q̄ natus eſt poſt matrimoniū, reſponderunt oēs epiſcopi, quod nolunt nec poſſunt ad iſtud breue reſpondere, q̄z hoc eſſet contra communem formam eccleſie. Et rogauerunt omnes epiſcopi magnates, vt cōſentirent, quod nati ante matrimoniū eſſent legitimi, ſicut illi qui nati ſunt poſt matrimoniū, quantum ad ſucceſſionem hereditariam, quia eccleſia tales habet pro legitimis. Et oēs comites & barones vna voce reſpōderūt qō nolunt leges Anglie mutare, que hucuſq vſitate ſunt & approbate.

Attorney. I. Cap. 10.

¶ Prouiſum eſt inſuper, quod quilibet liber homo, qui ſectam debet ad com̄, trithingū, hundreꝺ, et wapent, vel ad curiam domini ſui, libere poſſit facere attorn̄ ſuum, ad ſectas illas p eo faciendas.

Foreſts. 17. Cap. 11.

¶ De malefactoribus in parcis & viuarijs nondū eſt diſcuſſum, quia magnates petierunt propriam priſonam de illis, quos caperent in parcis et viuarijs ſuis. Quod quidem dominus rex contradixit, et ideo differtur.

¶ Dies

¶Dies commuues in bāco, edit Anno. li. Henrici. iii.

¶Dayes in bank. I. Cap. I.

SI bē venerit in oct sācti Michaelis, tunc dabit dies in octab. sancti Hillarij. Si in quindena sācti Michael', in quindena sancti Hillarij. Si tribus septimanis sancti Michaelis, in crastino Purificationis beate Marie, Si in mense sancti Michaelis in oct Purificationis beate Marie. Si in crastino animarum, in quindena Pasche. Si in crastino sancti Martini in tribus septimanis Pasche. Si in octab. sācti Martini in mense Pasche. Si in quindena sancti Martini, in. v. septimañ. Pasche. Et est quidam dies specialiter dat' in crastino Ascencionis domini, et tm̄ valet quātū. v. septim̄ Pasche. Si in octab. sancti Hill' in oct sancte Trinitatis. Si in xv. sc̄ti Hill' in. xv. sācte Trinitatis, et aliq̄n in crastino sancti Johannis Bap. Si in crastino Purificat̄ beate Marie, in crastino, et in octa sācti Johānis Bap. Si in octab. purific̄ in xv. sancti Johannis Bap. Si in quindena Pasche, in octa sancti Michaelis. Si in tribus septim̄ Pasche in quindena sc̄ti Michaelis. Si in mense Pasche, in tribus septimanis sancti Michaelis. Si in. v. septimanis Pasche vel in crastino Ascentionis domini, in mense sancti Michaelis, si in octab. sancte Trinitatis, in crastino animarum.

Si

Si in q̄ndena sancte Trinitatis, vel in crastino sancti Johannis Bapt in crastino sc̄ti Martini. Si in octa sc̄ti Jo. Bapt in octa sc̄ti Martini. Si in quindena sancti Johānis Bap. in quindena sancti Martini. Et sic respondet quilibet terminus alii | Vide 32. H 8. cap. 21.

¶Dies communes in banco in placito dotis edit̄. An. li. H. 3.

¶Dayes in banke. 2.

SI in octa. sancti Michaelis hzem venerit, dabitur dies in crastino animarum. Si in quindena sc̄ti Michaelis, dabitur dies in crastino sancti Martini. Si in mense sancti Michaelis in. xv. Martini. Si in crastino animarū in oct̄ sancti Hillarij. Si in crastino Martini in. xv. Hillar̄. Si in oct̄ Martini, in crastino Purificationis. Si in quindena Martini, in oct̄ Purific̄. Si in oct̄ Hillarij, in. xv. Pasch. Si in quindena Hill', in tribus septim̄ Pasch. Si in crastino Purific̄, in mense Pasch. Si in oct̄ Purificationis, in crastino Ascensionis. Si in quindena Pasche, in oct̄ Trinitatis. Si in tribus septim̄ Pasche, in xv. Trinitatis. Si in mēse Pasche, in crastino sancti Johannis Baptiste. Si in v. septim̄ Pasche in oct̄ sancti Johannis. Si in crastino Ascencionis dñi in xv. sc̄ti Johānis

Si

Si in octabis Trinitatis in octabis sancti Michaelis. Si in quindena sancte Trinitatis in .xv. sancti Michaelis. Si in crastino sancti Johannis Baptiste, in tii. septim̃ sancti Michaelis. Si in octab. sancti Johannis Baptiste in mense sancti Michaelis. Si in quindena sancti Johānis Baptiste, in crastino animarum. | Vide. 32. H. 8. ca. 21.

¶Statutū de Marlebridge edit̃ anno. lii. H. iii.

Anno gratie M. CC lxvij. regni autē dñi Hēr filij regis Johānis quinquagesimo scdo, in octa. sancti Martini prouidente ipso dño rege, ad regni sui Anglie melioracionem, et exhibitionem iusticie (prout regalis officij ex posicit vtilitas) pleniorem, conuocatis discretioribus eiusdem regni, tam maioribus quam minoribus, prouisum est, et statut. ac cōcordatum et ordinatum, vt cum regnum Anglie multis tribulationibus & dissensionum incommodis nuper | esset | depressum, reformatione legum & iurium (quibus pax & trāquilitas incolarum conseruetur, indigeat, ad qō remedium salubre per ipsū regem & suos fideles oportuit adhiberi: prouisiones, ordinationes, et statuta subscripta, ab omnib⁹ regni ipsius incolis, tam maioribus quā minoribus, firmiter et inuiolabiliter tēporibus perpetuis

perpetuis statuerit obseruari.

¶ Distres. I. Cap. I.

¶ Cum autem tempore turbationis nuper in regno Anglie subborte, & deceps, multi magnates, et alij iusticiam indignati fuerint, recipere per dominum regem & curiam suam, prout debuerunt, et consueuerunt temporibus predecessorum ipsius domini regis et etiam tempore suo: sed de vicinis suis, et alijs per seipsos graues vitiones fecerint, et districtiones, quousq; redemptiones receperint ad voluntatem suam. Et preterea quidam eorum, se per ministros domini regis iusticiari non permittunt, nec sustineant qd per ipsos liberentur districtiones, quas auctoritate propria fecerint ad voluntatē suam: ¶ Prouisum est, concordat, et concessum, qd tam maiores quā minores, iusticiam habeāt et recipiant in curia domini regis: Et null' de cetero vitiones, aut districtiones faciat p voluntatem suam, ablq; consideratione curie domini regis, si forte damnum vel iniura sibi fiat, vnde emendas habere voluerit de |aliquo | vicino suo, siue maiore siue minore. Super articulo autē supradicto prouisū est et concessū, qd si quis de cetero vitiones huiusmodi capiat p voluntatem suā |propria| ablq; consideratione cur̄ dñi regis (vt dictū est) et inde cōmincatur, puniatur p redemptionē, et hoc secūdū quantitatem delicti. Et similiter si vicinus sup vicinū suū faciat districtionē, sine cōsideratione cur̄ dñi regis, p qd damnū habeat, puniatur eodem modo, si

ho-

hoc secundū quantitatem delicti. Et nihilominus fiant emende plene & sufficienter eis, qui damna sustinuerint p huiusmodi districtiones.

¶Distres.2. Cap.2.

¶Nullus insuper maior vel minor distringat aliquem ad veniendū ad cur suā, q̄ nō sit de feodo suo, aut sup ipsū nō habeat iurisdictionē p hundred|wapētag.|vel balliuā,|que sua sit|nec districtiones faciat extra feodum suū, seu locū vbi balliuam habeat vel iurisdictionē. Et qui contra hoc statutū fecerit, puniatur eodē modo, et hoc secundum delicti quantitatē,|et etiā qualitatem.

¶Distres.3. Cap.3.

¶Si quis autem maior vel minor, pmittere noluerit liberari per ministros domini regis, secundū legem et consuetudinem regni, districtiones quas fecerit: aut etiam sustinere noluerit summonitiones, attachiamēta, executiones iudiciorū curie domini regis fieri|secūdum legem et consuetudinē regni vt pred̄ est|puniatur modo predicto, tanquā se iusticiari non permittens, & hoc secundū delicti quantitatē. Et si quis maior vel minor districtiones faciat sup tenentē suū, p seruicijs & consuetudinib⁹, que sibi deberi dicat, vel pro re altera, vnde ad dōm feodi ptineat districtiones facere, et postea cōuincat, q̄d tenēs ea sibi nō debeat: nō ideo puniat dōs predemptionē, vt in supradictis casib⁹, si permittat districtiones deliberari secundū legē et consuetudinem regni: sed amercietur,

velut

velut hactenus consuetum est, et tenens dā-
na sua recuperet versus eū.

¶ Distres. 4. Cap. 4.

¶ Nullus de cetero faciat ducere distric-
tiones, quas fecerit, extra comitatum in quo
capte fuerint. Et si vicinus hoc fecerit super
vicinum suum, et per voluntetem suam, et
sine iudicio, puniatur per redemptionem vt
supra, veluti de re | facta | contra pacem. Ve-
runtamen si dominus hoc super tenentem
suum facere presumpserit, castigetur p̄ gra-
uem misericordiam. Districtiones insup̄ sint
rationabiles, et non nimis graues. Et qui
districtiones fecerint irrationabiles, et inde-
bitas, grauiter amercientur propter excessū
districtionū ipsarum. | Vide statutum anno. 1
E. 2. P. & M. cap. 13.

¶ Confirmacion. 1. Cap. 5.

¶ Magna Charta in singulis suis articu-
lis teneatur, tam in his que ad regem perti-
nent, quam que ad alios, et hoc coram iustic̄
itinerantibus in suis itineribus, & vic̄ ī com̄
suis, cum opus fuerit, demandetur & breuia
versus eos qui contrauenerint gratis cōce-
dantur coram rege, vel coram iustic̄ de ban-
co, vel coram iustic̄ itinerantibus cū in par-
tes illas venerint. Similiter Charta de fo-
resta in singulis suis articulis teneatur, et
contrauenientes per dn̄m regem cum con-
uicti fuerint grauiter puniāt̄ modo suprad̄.

¶ Wardes. 6. Cap. 6.

¶ De his autem qui primogenitos & he-
redes suos infra etatem existentes feoffari
solent

solent de hereditate sua, vt per hoc amitterēt dñi feodorum custodias suas. Prouisum est concordatum et concessū, quod occasione huiusmodi [falsi] feoffamenti, nullus capitalis dominus amittat custodiam suam. De his insuper qui de terris suis, quas tradere valuerint ad terminum annorum, vt per hoc domini feodorum amittāt custodias suas, falsa fingunt feoffamenta cōtinētia, qđ eis satisfactū est de summa seruitij in illis contenti vsq; ad terminum aliquem: ita quod si ad dictum terminum soluere teneantur huiusmodi feoffati summam aliquam ad valorem terrarum illarum, vel in multo excedentem, vt sic post terminum illum terra eorum reuertatur ad ipsos, vel ad hered suos, eo quod nemo eam pro tanto tenere curaret. Prouisum est, concordatum et concessū, vt per huiusmodi fraudem nullus capitalis dñs amittat custodiam suam. Verumtamen non licebit eis huiusmodi feoffatos sine iudicio disseisire: sed breue habeant de huiusmodi custodia sibi reddenda, et per testes in cartis de huiusmodi feoffamento contentos, vna cum alijs liberis & legal' hominibus de patria, et per quantitatem & valorem teñ, et ꝑ quantitatem summe, que inde reddi debeant post terminum [predictū] attingatur vtrum huiusmodi feoffamenta bona fide facta sint, an in fraudem ad auferendū capital' dñis feodorum custodiam suam. Si vero capital' domini per iudicium curie in huiusmodi casibus recuperauerint custodiā suam, salua sit nihilominus huiusmod feoffatis

actio sua, quod ad terminum, seu ad feodū recuperandū, quam inde habuerint cum heredes ad legitimam etatem peruenerint. Et si aliqui capitales domini feoffatos aliquos malicioſe implacitauerint, fingentes casum istum, maxime vbi feoffamenta legitime et bona fide facta fuerint, tunc adiudicentur feoffatis dāna sua, & misę sue quas fecerint occasione p̄dicti placiti, & ipſi actores p̄ mīam grauiter puniantur.

¶ Wardes. 7. Cap. 7.

¶ In placito vero communi de custodijs, si ad magnam districtionem non venerint defensores, tunc bis, vel ter iteretur breue p̄dictū ad terminos, quibus fieri poterit, infra medietatem anni sequent, ita q̄ singulis vicibus legatur breue in pleno com. | nisi al' vbi | prius inuentus fuerit defensor. Et ibi publice denunciet, vt veniat ad diem sibi p̄fixū Quod si ipse extunc se subtraxerit, ita q̄d infra medietatem anni p̄dicti respōsuū nō venerit, nec vic eum inuenire possit, p quod corpus suum habere non possit coram iustic, ad respondendū scdm legem & conſ. regni. tunc tanq̄ rebellis, & se iusticiarij non permittens amittat seisinam huiusmodi custodie, salua sibi alias actione sua, si forte ius habeat ad eandem. In casibus aut vbi custodie pertinēt ad custodes heredū infra etatē existentiū | versus custodes illas | petatur custodiemque accidit heredū | illis | tanquam pertinent ad eorum hereditates, non amittant huiusmodi heredes infra etatem existentes hereditati

suam

ſuam per negligentiam, vel rebellionē ſuoꝝ cuſtodū, ſicut in caſu prędicto, ſed currat lex communis eodem modo quo prī currere cōſueuit.

¶ Rediſſeiſine. 2. Cap. 8.

¶ Illi autem qui pro iterata diſſeſina capt̄ fuerint, & detenti, non deliberentur ſine ſpeciali precepto domini regis, et hoc per finem cū dño rege inde faciendō pro huiuſmodi trāſgr̄ſua. Et ſi compertum fuerit quod vic̄ aliter eos deliberauerit, propterr hoc grauiter amercietur, et nihilominus illi qui per vicecomitem, ſine precepto domini regis, ſic deliberantur, pro ſua tranſgreſſione grauiter puniantur. | Werton. capitul. 3. Weſtm. 2. capitulo. 26.

¶ Suite. 1. Cap. 9.

¶ De ſectis vero faciendis ad curiam magnatum, vel ad curium aliorum dominiorum ipſarum cur̄, de cetero ſic obſeruandum eſt, quod nullus que per chartam feoffatum eſt, diſtringat de cetero ad huiuſmodi ſectam faciendam ad curiam domini ſui niſi per formā | feoffamēti ſui | ſpecialiter teneatur ad ſectam illam faciendō. His autem exceptis quorum anteceſſores, vel ipſimet, huiuſmodi ſectam facere conſueuerunt ante primam tranſfretationem prędicti domini regis H. in Britanniā a tempore cuius tranſfretationis elapſi ſunt xxxix. anni, & medietas vni⁹ anni | ad tēpus | quo huiuſmodi conſtitutionis fuerunt ſtatute. Similiter nullus feoffatus, a tempore cōqueſtus | ſine charta | vel aliquo alio antiquo

feoffamento distringatur ad huiusmodi sectã faciẽd, nisi ipsemet, vel antecessores sui, eam facere consueuerunt ante primam translationem predictam. Qui autem per cartam p certo seruicio, veluti pro libero seruicio tot solidorum annuatim pro omni seruicio soluendi feoffati sunt ad huiusmodi sectam, vel ad aliud, contra formam feoffamenti sui de cetero non tenentur. Et si hereditas aliqua, de qua tantum vnica secta debeat. ad plures heredes participes eiusdẽ hereditatis deuoluat, ille vero qui habet eniciam partem hereditatis illius, vnicem faciet sectam pro se et participibus suis, et alij participes sui p portione sua, contribuent ad sectam illam faciẽd. Et si plures feoffati fuerint de hereditate aliqua, de qua tamen vnica secta debeatur, dominus illius feodi vnicam sectam inde habeat, nec possit de predicta hereditate nisi vnã sectam exiget, sicut prius inde fieri consueuit. Et si feoffati illi warrentum, vel medij non habeant, qui |inde| eos acquietare debeat, tũ omnes illi feoffati, pro portione sua, contribuant |p portione sua| ad sectam illam pro eis faciend. Si autẽ contingat, quod domini cũ tenentes suos, contra hanc constitutionẽ, pro huiusmodi secta distringant, tunc ad querelam tenentium illorum attachientur eorum domini, quod ad curiam regis veniant ad primam diem inde respondũ, et vnicum inde habeant essonium, si fuerint in regno, et incontinent deliberentur conquerẽti aueria sua, cum alie districtiones hac occasione facte, et deliberati

rate remaneant, donec placitum inde int̄ eos terminetur. Et si domini curiarū, que huiusmodi districtiones fecerint, ad diem, ad quem attachiati fuerint, nō venerint, vel diem, per essoniū sibi datum non obseruauerint, tunc mandetur vic̄ quod eos ad alium diem venire faciat ad quem diem si non venerint, tūc mādetur vic̄ quod distringat eos per omnia catalla, que habent in balliua sua, ita quod vic̄ respondeat dn̄o regi de exit̄ dicte hered̄, & qd̄ habeat corpora eorum ad certum diem sibi p̄figendum coram Iustic̄. Ita quod si ad diē illum non venerint, eat pars conquerens inde sine die, & aueria sua, siue alie districtiones hac occasione facte, deliberata remaneant, donec ipsi dn̄i sectā illā recuperauerint per considerationē curie regis, et cessent interim huiusmodi districtiones, saluo dn̄is cur̄ iur̄ suo de sectis illis recuperand̄ in forma iuris, cū inde loqui voluerint. Et cum domini curiarū inde venerint responsuri conquerentibus de huiusmodi districtionibus, & super hoc cōuincant̄, tunc per cons. curie dn̄i regis recuperent versus eos conquerentes damna sua que sustinuerint occasione districtionis p̄dicte. Similiter aūt modo si tenētes, post hanc constitutionē, subtrahāt dominis | feodorū | sectas quas facere | debeant | et quas ante tēpus p̄dict̄ transfretacionis, & hactenus facere consueuerunt, tunc per eandem iusticiam & celeritatem quo ad dies prefigend̄, & districtiones adiudicand̄, consequantur dn̄i curiarum iustitiam de sectis illis perquirend̄, vna cū dam-

nis suis, quemadmodum tenentes damna sua recuperarent. Et hoc scz de damnis recuperand, intelligatur de subtractionibus sibi factis, et non de subtractionibus factis predecessoribus suis. Veruntamen dñi cur̄ vers⁹ tenentes suos seisinam de huiusmodi sectis recuperare non poterunt per defaltam, sicut pri⁹ fieri consueuit. De sectis autē, que ante tempus supradictum subtracte fuerunt, currat lex communis, sicut pri⁹ currere consueuit.

¶County et Tourne.2.Cap.10.

¶De tournis vic̄ prouisum est, quod necesse non habeant ibi venire archiepiscopi, ep̄i, abbates, priores, comites, barones, nec aliqui viri religiosi, seu mulieres, nisi eorum presentia ob aliquam causam specialiter exigatur, sed teneatur turnus, sicut tempori⁹ p̄decessorum domini regis teneri consueuit. Et qui in |diuersis|hund̄ habeant ten̄ta| non habeant necesse ad huiusmodi turnos venire, nisi in balliuis vbi fuerunt conuersantes. Et teneant̄ turni secundum formam magne charte, & sicut temporibus regum Ric̄ et Johannis teneri consueuerunt. Vide M. cap.35.

¶Beaupleder.1. Cap.11.

¶Prouisum est etiam, q̄ nec in itinere iustic̄, nec in com̄, in hundred̄, nec in cur̄ barō de cetero capiant̄ fines ab aliquibus pro pulchre placitando, neq̄|pro eo|q̄ non occasionētur. Et sciendū est, q̄ per istam constitutionem nō tolluntur fines certi, seu prestationes ar=

arrentate a tempore quo dominus rex prius transfretauit in Britanniam vsq; nunc.

¶Dies in Banke 3. Cap.12.

¶In placito vero dotis, quod dicitur vnde nihil habet, dentur de cetero quatuor dies per annum ad minus, et plures si commode fieri poterit, ita q̄ habeāt quinq; vel sex dies ad minus per annum. In assisis |autē| vltime presentationis, et in placito quare impedit de ecclesiis vacantibus, denē dies de quindena in xv. vel de tribus septimanis in tres septimanas, prout locus fuerit propinquus, vel remotus.

¶Quare impedit. 1.

¶Et in placito quare impedit si ad primum diem ad quem summonitus fuerit, non venerit nec essoiñ miserit impeditor, tūc attachiet ad aliā diē, quo die si nō venerit, nec essoiñ miserit distringat p magnā districtionē superi⁹ datam. Et si tunc non venerit, p eius defaultam scribat ep̄o illius loci q̄ reclamatio impeditoris illa vice conquerenti non obstet, saluo impeditori alias iur̄ suo, cum inde loqui voluerit. Eadem lex de attachiamentis faciendō, in omnibus breuib⁹, vbi atachiamēt̄ iacent, de cetero (quo ad districtiones faciendō) firmit̄ obseruet: ita tamē q̄ secundū attachiamentū fiat p meliores plegios e postmodū vltima districtio. |vide art̄ sup̄ cartas ca.15.

¶Essoine 1. Cap.13.

¶Et sciendū est |quod| post̄q̄ aliquis posuerit se in inquisicionem aliquam, que emerserit, vel emergere poterit in huiusmodi

breuibus, non habebit nisi vnicum essoiñ, vel vnicam defaultam, ita quod si ad diem sibi datum per essonium suum non venerit, aut secundo die defaultam fecerit, tunc inquisitio illa per eius defaultam capiatur, et secundum inquisicionem illam ad iudicium procedatur. Si vero inquisitio illa capt̃ fuerit in com̃ coram vic̃ del coroñ, ad iustic̃ domini regis ad cert̃ diem est remittend̃. Et si pars rea nõ venerit ad diem illum, tunc propter defaultam ipsius, assignet̃ et alius dies, secũdum discretionem iustic̃, et mandet̃ vic̃, quod ad diem illum faciat eum venire ad audiendũ iudiciũ suum (si velit) secundum inquisicionem illam Ad quem diem si non venerit, propter defaltam suam procedatur ad iudicium. Eodem modo fiat, si non veneat ad diem sibi datũ per essonium suum.

¶Iurrours.1. Cap.14.

¶De chartis vero exemptionis, & libertatis ne ponantur impetrantes in assisis, iuratis vel recognicionibus aliquibus, prouisum est, quod si adeo necessarium sit eorum iuramentum, quod sine eis iusticia exhiberi nõ poterit (veluti in magnis assisis, et in perambulationibus, & in cartis vel scriptis conuentionum, vbi fuerunt testes nominati, aut in attinctis, vel alijs casibus consimilibus, (iurat̃ cogant̃, salua sibi alias libertate, & exemptione sua predicta.

¶Distres.5. Cap.15.

¶Nullis de cetero liceat, ex quacũq; causa districtiones facere extra feodum suum, nec in

11 R. 2 fol. [illegible] 87. si vn distr. [illegible] prouision [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

in via regia, aut in communi strata, nisi domino rege, et ministris suis, specialem auctoritatem ad hoc habentibus | W. 1. ca. 16. |

¶ Mortdaunceſter. 1. Cap. 16.

¶ Si heres aliquis post mortem anteceſſoris sui infra etatem extiterit, et dominus suꝰ custodiam terrarum, et ten̄ suorum habuerit si dominus ille dicto heredi, cum ad legittimā etatem peruenerit, terram suam sine placito reddere noluerit, heres ille terram suam per assisam mortis ānteceſſoris recuperabit, vna cum dampnis suis, que sustinuerit propter detentionem illam, a tempore quo fuit legittime etatis. Et si heres aliquis tempore mortis anteceſſoris sui plene etatis fuerit, et ille heres apparens, et pro herede cognitus & inuent' sit in hereditate illa, capitalis dominus eum non eiectat nec aliquid ibi capiat, vel amoueat, sed tamen inde simplicem seisinam habeat pro recognitione dominij sui, vt pro domino cognoscat. Et si capit̄ dominus hm̄odi heredem extra seisinam malicioſe teneat, propter quod breue mortis anteceſſoris, vel conſanguinitatis oporteat ipsum impetrare, tunc dampna sua recuperet sicut in assisa no. diſſ. De hereditatibus autem, que de domino rege ten̄ in capit̄, sic obſeruand̄ est, vt dominꝰ rex primam inde habeat seisinam, sicut prius inde habere conſueuit. Nec heres, nec aliquis alius in hereditatem illam se intrudat, prius quam illam de manibus domini regis recipiat, prout huiusmodi hereditas de manibus ipsiꝰ & anteceſſorum suorū recipi conſueuerit tem-

tempoꝛibus elapſis. Et hoc intelligatur de terris et feodis, que ratione ſeruicij̄ militaris vel ſeriantie, ſiue iuris patronatus in manibus domini regis eſſe conſueuerunt. | Vide Pꝛerog ca. 3. & Glanuill l. 7 ca. 9. fo. 5.

¶ Wardes. 8. Cap. 17.

¶ Pꝛouiſum eſt inſuper, quod ſi terra, que tenet̄ in ſocagio, ſit in cuſtodia parent̄ hered̄ eo quod heres infra etatem extitet̄, cuſtod̄ illi waſtum facere non poſſunt, nec vendicionem nec aliquam diſtructionem de hereditate illa, ſed ſaluo eam cuſtodiant ad opus dicti hered̄, ita quod cum ad legittimam etatem pecuenerit, ſibi reſpondeant de exit̄ dicti hereditatis, per legalem computationem, ſaluis ipſis cuſtodibus rationabilibus milis ſuis. Nec etiam poſſunt dicti cuſtodes maritagium dicti heredis dare vel vendere, niſi ad commod̄ dicti heredis, ſed parētes dicti heredis ꝓpinquioꝛes, qui huiuſmodi cuſtod̄ habuerint, a toto tempoꝛe illo a quo bꝛeuia non concedunt implacitandi, huiuſmodi cuſtodias habeant ad commodum heredum vt pꝛedictum eſt, ſine waſto, vel exilio, vel deſtructione facienda.

¶ Amercement. 1. Cap. 18.

¶ Nullus eſcaetoꝛ, vel inquiſitoꝛ, aut iuſtit̄ ad aſſiſas aliquas ſpecialiter capiend̄ aſſign̄, vel ad querelas aliquas audiend̄ & terminand̄, de cetero habeant ptātem aliquam amerciandi pro defaulta communis ſommoni tionis, niſi capit̄ iuſtic̄, vel iuſtic̄ itinꝛantes in itineribus ſuis.

¶ Eſſoine

¶Essoine.2. Cap.19.

¶De essonijs autem prouisum est, quod in com̃, hundred̃, aut in curia baroñ, vel alijs cuĩ nullus habeat necesse iurare pro essonio suo warrantizando | vide Glanuill li. 1.ca.12. fol.4.

¶Faux iudgement.1. Cap 20.

¶Nullus de cetero (excepto domino rege) teneat placitum in curia sua de falso iudicio facto in cuĩ ten̄ suorum, quia huiusmodi placita specialiter spectant ad coronam, & dignitatem domini regis.

¶Repleuin.1. Cap.21.

¶Prouisum est etiam quod si aueria alicuius capiantur, et iniuste detineantur, vĩ post queremoniam inde sibi factã, ea sine impedimento vel cõtradictione eius qui dicta aueria ceperit, deliberare possit, si extra libertates capta fuer̃. Et si infra libertates capta fuerint hm̃odi aueria, & ballini libertatis ea deliberare noluerint tũc vĩ p defectu ipsorũ ballinorũ ea faciat deliberari.

¶Freehold.1. Cap.22.

¶Nullus de cetero possit distringere libere tenẽtes suos ad respõdẽd de libero ten̄to suo nec de aliquibus ad liber̃ ten̄ suũ spectantibus, nec iurare faciat libere tenentes suos cõtra voluntatẽ suã, quia hoc nullus facere potest, sine precepto domini regis.

¶Accompt.1. Cap.23.

¶Prouisum est etiam quod si ballini, qui cõpm̃ suum dominis suis reddere tenentur le subtraxerint, & terras del tenementes

non

non habuerint per que distringi possint, tunc per eorum corpora attachient, ita quod vic in cuius balliua inueniant, eos venire faciat ad compm suum reddend.

¶ Wast. 3. Cap. 23.

¶ Item firmarij tempore firmar suarum vastum, vendicionem, vel exilium non facient de domibus, boscis vel hominibus, nec de aliquibus ad ten que ab firmam habent spectant nisi specialem inde habuerint concessionem p scriptum conuentionis mentionem faciens qd hoc facere possunt. Quod si fecerint, et super hoc conuincantur, damna plena restituant, et p miam grauiter puniantur.

¶ Iustice in Eire. 1. Cap 24.

¶ Iusticiarij itinerantes de cetero non amercient villatas in itinere suo, pro eo quod singuli xij. annorum non venerint coram vic et coron, ad inquisiciones de roberies, incendijs domorum, vel aliis ad coronam spectantibus faciend, dum tn de villatis illis veniant sufficientes, per quos inquisiciones huiusmodi plene fieri pnt, exceptis inquisicionib⁹ de morte hominis faciend, vbi omnes xij annorum venire debent, nisi rationabilem causam habeant absentie sue.

¶ Murder. 1. Cap 25.

¶ Murdrum de cetero non adiudicetur coram iustic, vbi infortunium tm modo adiudicatum est, sed locum habeat murdrum de interfectis per feloniam tantum, et non aliter.

¶ Voucher. 1. Cap. 26.

¶ Prouisum est quod nullus, qui coram

Iustic

Justic itinerantibus vocatur ad warrank in placito terre, vel ten, amercietur de cetero, p eo quod presens non fuerit quando vocatur ad warrantum (excepto primo die adventus justiciar ipsorum) Sed si warrantus ille fuerit infra com, tunc mungatur vic, quod ipsū infra tercium diem, vel quartum (secundū locorum distantiam, faciat venire, sicut in itinere justic fieri consuevit. Et si extra comit maneat, tunc rationabilem habeat summonitionem p xv. dierum ad minus, secundum discretionem justic, & legē cōmunem.

¶ Mainprise and Baile. I. Cap. 27.

¶ Si clericus aliquis pro crimine aliquo vel recto quod ad coronam pertineat, arrestatus fuerit, et post modum per preceptum domini regis in ballium traditus fuerit vel replegiatus extiterit, ita quod hij quibus traditus fuerit in ballium, cum habeant corpus justic non amercientur de cetero illi quibus tradit fuerit in ballium, nec alij plegij sui, si corpus suum habeant coram justic, licet corā eis propter priuilegium clericale respondere noluerit, vel non potuerit propter ordinarios suos.

¶ Monasteries &c. I. Cap. 28.

¶ Provisum est quod si depredationes, vel rapine aliqui fiant abbatibus, prioribus, vel alijs prelatis ecclesiasticis, & ipsi ius suum de huiusmodi depredationibus prosequētes morte preueniant anteqū iudicium inde fuerint assecuti, successores eorum habeant actiones ad bona ecclesie sue de manibus huiusmodi

modi transgē repetend. Similem insuper habeant actionem sucē de his que domui sue et ecclesie |recēt| ante obitum predecessorū suorum per huiusmodi violentiam fuerint subtracta, licet predicti predecessores sui ius suū prosecuti non fuerunt in vita sua. Si autem in terris, et tenementis huiusmodi religiosorum, de quibus eorum prelati obierint seisiti vt de iure ecclesie sue, aliqui se intrudant tempore vacationis, successores sui bē habeant de seisina sua recuperand, et adiudicentur eis damna sua, sicut in noua disseisina adiudicari consueuit.

¶Entre of Writtes I. Cap. 29.

¶ Prouisum est etiam, quod si alienationes tile, de quibus breue de ingressu dari cōsueuit, per tot gradus fiant, per quot breue illud in forma prius vsitata fieri non possit, habeant conquerentes breue ad recuperandā seisinam suam, sine mencione graduum, ad cuiuscunque manus per huiusmodi alienationes, res illa deuenerit, per breue originale, & per |communē| consilium domini regis inde prouidendum &c.

Westm̄ primer edit̄ añ.3. Edwardi.1.

Ceux sont les establishmentes le roy Edward fitz le roy H. faits a Westm̄, a son primer parliament general apres son coronement, lendemaine de la cluse de Pasche, lande son raigne 3. ꝑ son coūsel, et par lassentm̄ts des archeuesq̄, euesq̄, abbes, priours, coūtes barons, & iour la cōmunaltie de la t̄re illonq̄ somons. Pur ceo q̄ nr̄e seigniour le Roy ad grand̄ volunte et desire del estate de sō realm̄ redresser, en les choses ou miest̄ est damende m̄t, & ceo pur le comen profite de saint esglise, & de sō realm̄ & pur ceo q̄ lestate de sō realm̄ & de saint esgl' ad este malement gard̄, & les prelates et religious de la terre en multz des maners greues, & le people auterment trete q̄ estre duist, & la peas meins gard̄, & les leis meins vses, & les misfesants meins punis, q̄ estre duissēt, ꝑ quoy les gētz de la t̄r̄ doubteront meins a mesfaire, cy ad le roy ordeigne & establie, les choses southscriptes, les queux il entend̄ dest̄r̄ profitables et couenables a tout la roialme.

¶ Monasteries.1. Cap.1.

¶ En primes voet le roy, & commaunde q̄ la peas de saint esgl', & de la terr̄, soit bn̄ gard̄ et mainteign̄ en toutes pointes, et que commen droitut̄ soit fait a toutes, auxibien as pouers come as riches, sans regard̄ de nul

luy

luy. Et pur ceo que les abbes, et les measōs de religion de la terre ont este surcharges et greues malement, par le venue des graūdes gents et dauters, que lour biens ne sufficient a eux mesmes, per que les religious sont cy abates & impoueres, quelz ne poient eux mesmes susteign̄, ne la |charge de| charity quels soilent faire. Purueu est qui nul ne veigne manger, harbarger, ne giser a meason de religion dauter auowson, que de la laine, al costages de la meason, sil ne soit prie et requis specialment par le gouernour de la meason, auant quel veigne. Et que nul a ses costages demesne, ne ent̄, ne veign̄ giser encounter la volūte ceux de la measō. Et par cel estat̄ nen tend̄ pas le roy, que grace de hospitality soit sustreit as besoignes, ne que les auowes des measons les puissent par lour souēt venues surcharger ne destruer. Purueu est ensemēt q̄ nul graund̄ ne petit, par colour de parent ou despecialty, ou par auter affiance, ne p̄ auter encheson, ne courge en auter parke, ne peche en auter viuer, ne veigne manger ne herberger, en meason, ne en maner ou en meason de p̄late, ne de home de religion, ne dauter enconter la volunte le seigniour, ou le bailife de costages le seigniour, ne a son cost demesne. Et sil veigne, ou enter par le gree, ou sans le gree le seigniour ou le bailife, nul sarre, huis ne fenestre, ne nul maner de ferme ne faire ouerer, ne de pecher par soye ne p̄ auter ne nul maner de vitaile ne auter chose preigne par colour de achate, ne auterment. Et que

nul face barter blee ne prender blee, ne nul maner de vitaile, ne les auts biens, ne nulluy prelate, home de religion, ne de auter, ne de clerk, ne de lay, par colour de achate, ne auterment, encounter la | bone | volunte & le cōge de celuy, a que la chose serra, ou de gardein, deines ville, marchandise, ou de hors. Et que nul preign̄ chiuals, boefs, chares, ne charrets, nefes, ne bateux | ne auters chosez | affaire, cariage, sans le bone volunte de celuy, a que les choses serront. Et si il par la bone volunte de celuy le face, lors mayntenant face son gree solonqz le couenāt fait entre eux. Et ceux que viendront encounter l's establishments auantdits, et de ceo soient atteints, soient aiudges a la prison le roy, & dillonques soient rentes, et punis solonques la quantitie et le maner du trespas, et solonque ceo que la roy en sa court veier̄ que bien soit. Et fait assauer que si ceux, a que le trn̄s fuit fait, voillent suer les damages, que ils auer̄ resceux, lour serra agard̄ et restore au double Et ceux que le trespaz auerōt fait soient ensement punis en le maner auantdit. Et si nul ne voile suer, eit le roy la suite, come de chose fait encounter son defence, & encounter sa peas. Et le roy fra enquire de an en an, si cōe il quidra que bien soit, queux gents eient tiel trespas fait. Et ceux queux serront endites p̄ ceux enquests, serront attaches & distreign̄ p̄ la grañde distresse de vener a certayne iour, que conteigne le space dune mois en la court d̄l roy ou la ou luy plerr̄. Et si ceux ne veign̄

a cel iour ils ferrount auterfoits de recheffe distreign̄ per mesme distr̄, de vener a vn aut iour, que conteign̄ le space de.vi.semaygnes. Et si ceux adonques ne veignont, soient aiudges come attaintes, et rendent le doublt (per le suit del roy) a ceux queux le dam̄ aueront resceux, et soyent greuement rentes solonque le maner de trespas,. Et le roy def. et commaunde, q̄ nul desormes ne face mal, dam̄, ne greuance a nul home de religion, p̄son de saint esglise, ne a auter p̄ encheson de ceo que ils eient deny lostoll', ou le manger a nulluy, ou per encheason de ceo que ascū soy pleint en court de ceo q̄l soit greue des ascūs choses auantdits, et si ascū le face, & de c̄ soit attaint, soit encurrue la peine auantdit. Et est purueu q̄ ces pointes auantditz liēt auxi bien nous coūcellours, iustices de forests, et auters nous iustices, come auters gents. Et que les poients auantdits soient mainteygnes, gardes, et tenus, cy defend̄ le roy sur sa greue forfaiture, q̄ nul prelate, abbe, priour, home de religion, ou bailliffe dascun de eux, ou de auter ne resceue nul home encounter la forme auantdit Et que nul enuoy a meason, ne au manor de religion, ne de aut̄ hōe, gents, chiu als, ne chiēs a soiorn̄ ne nul les resceue. Et qui le fra, pur ceo que est encoūter le defence et le commaundement le roy, il serra punis greuement. Uncor̄ est purueu que vic̄ ne herbergent oue nully, ouesq̄ plus que sinque ou.vi.chiualx, ne que ils ne greeuent la gent de religion, ne auters per lour

souent

souent venire, ou giser a lour measons, ne a lour manors.

¶Clergy.1. Cap.2.

¶Purueu est ensement que quant clarke est prise pur rette de felony, et il soit demaũd par lordinary, il luy soyt lyuer, solonque le priuiledge de saint esglise, en tiel paril cõe ils appent, solonque la custome auant ces hures vse. Et le roy amonest les prelates & eux enioint en la foy q̃ ils luy doiuẽt, & pur la cõmon profit de la peace de la terr̃, q̃ ceux queux sont endictes de tiel rette par solempñ enquest des probes homes fait en la court d̃l roy, en nul mañ ne les deliuerẽt sãs due purgacion, issint q̃ le roy neit mister de mitt̃ auter remedy.

¶Escape.1. Cap.3.

¶Purueu est ensement, que nul ryen de sormes soit demaunde, ne prise, ne leue par viscount, ne par auter, pur eschape de laroñ ou feloñ, iesqꝫ a tant que leschape soit aiudge par Justices errantes. Et que auterment le ferra, cy rendra a celuy, ou a ceux que cel aueront pay, quant |que| il auer̃ pris & receu & au roy au tant.

Wreke.1. Cap.4.

¶De wreke de mere est accord̃, que la ou home, chyen, ou chate eschap̃ vifz hors de la niefe, la niefe, ou batell', ou nul ryen, que la eins fait, ne soit |aiudge| wreke, mes soiẽt les choses sauez & gardes ꝑ le vieu d̃l vic̃ coroñ, ou al'|et|del baillif l'roy, & baillifs en l's mains ceux de la vill', ou l'z choses sõt trouez

issint que si nul | sue | les biens, & puit prouer q̄ls | soient, | ou a son seigniour, ou en sa gard̄ peris, dedeins lan et le iour, sans delay luy soient rendus, si non, remaigne au roy, & soient prises par le vic̄, & coroners, et | bailles | a la ville pur respoign̄ deuāt iustices de wreke que appent au roy. Et la ou wreke appent a auter que au roy, si le eit per mesme le man̄. Et que auterment fra, & de ceo soit attaynt, soit agard̄ al prison, et rent al volunte le roy & rendra les dam̄ ensement. Et si le bayllyfe le face, et soit disauow de son sn̄r, et le sn̄r ne ottrie de ceo a luy, respoign̄ le baillif, sil eyt de quoy, et sil neit de quoy rendra le sn̄r le corps du baillife au roy.

¶Election .1. Cap.5.

¶Et pur ceo que eleccions doient estre frankes, si defend̄ le roy sur la griefe forfaiture, que nul haute home ne auter, par poiar des armes, ne par manaces, ne disturbe de faire franke eleccion.

¶Auerment.3. Cap.6.

¶Et que nul citie, borough, ne ville, ne nul home, soit amercy sans reasonable ēcheson, et solonque le quantitie de trn̄s, cestassauoir franke home saue son contenem̄t, merchant saue sa marchandise, & villein saue son gainage, et ceo ꝑ lour piers.

¶Purueiour.2. Cap.7.

¶Des prises des constables ou chasteleins faits des auters | que des gents de | la ville, ou la chastel sont assise. Purueu est, que nul cōstable ne chastelain deformes nul man̄

de prise

de prise ne face dauter hom̃ que de la vill' ou son chastel est assise, & ceo soit paye, ou gree fait deins xl. iours si ceo ne soit aũcien prise due au roye, ou a chastell, ou a seignior de chastell.

¶Beaupleder. 2. Cap. 8.

¶Et que nul fyen soyt pris pur beaupled̃, si come auterfoits fuit defendu en temps le roy Henry pier le roy que oze est. | Marlebr̃ cap. 11.

¶Robbery. 1. Cap. 9.

¶Et pur ceo que la peas de la terre ad este feblement gard̃ auant ses heurs, pur defaut de bone suite faite sur les felons, solõqs due mañ, & nosment p encheason des frãchises ou les felons sont resceux. Purueu est, q̃ touts communem̃t soient pristes, & apparailes, au commandement & a les summons des vil̃, et au crie de pais, de suer & arrester̃ les felon̄, quant mest serra, auxibien deyns franchises come de hozs. Et ceux que ceo ne serront, et de ceo soient attaints, le roy prendza a eux greuem̃t. Et si le defaut soit troue en le shoz de la frãchise, le roy se prendza a m̃ l'frãchise. Et si le defaut soit troue en le baillike eit lenprisonm̃t dune an, et puis soyt greue ment rent, et sil neit de quoy, eit lenprisonm̃t de. 2. ans. Et si vil̃ cozoner, ou auter baillike de franchise, ou de hozs, per lour ou p prier, ou p poies, ou p nul mañ daffinitie, cõcelet, consentent, ou procurent de conceller, les felonies faits en lour baillies, ou auterment, se teignont attacher, ou arrest les malfesantz

per la ou ils purr̃ ou auterment se feignont de faire lour office, en nul maner de fauour des mifesants, et de ceo soient atteints, q̃ ils eient lenpzisonment dune an, & puis soient greuement rentz a la volunte le roy, sils eient de quoy, sinon, eient lenpzisonment de iii. ans.

¶ Coroners. I. Cap. 10.

¶ Et pur ceo q̃ petits gents meins sages soient eslues oze de nouel cõmunel mt al office de cozoñ: et meister serroit q̃ pzobes homes, loialz & sages se entermellent de cel office. Purueu est, q̃ par touts les counties soient eslues suffisants hões cozoners, des plus loials & plus sages chiualers, queux melius sachent, puissent, & voillent a cel office entendꝛ, & q̃ loialment attachent, & repzesentent les plees de la cozone, Et que les viss̃ eient counter rolles oue les cozoners, auxibien des appell', come des enquestes, de attachements, ou des auters choses, q̃ a cel office appendent. Et que nul cozoñ riẽs dõ, ne pzeigñ de nully pur faire son office, sur peine de le greue forfaiture le roy. |14. E. I. stat Exonie.|

¶ Odio & Atia. I. Cap. 11.

¶ Et pur ceo q̃ pluisiours reints de mozt de home, et que sont culpable de m̃ la mozt sont (par fauozables enquests, pzises par viconk, et par bziefle roy q̃ est appell' odio et atia) repleuis, tesques a la venue des iustis errants. Purueu est, que tiel enquests soyent desozmes pzises p pzobes homes, eslues par

par serement, dount les deux soient a meins chiualers, q̄ p̄ nul affinitie, touchēt a l's prisoners ne auterment ne soient suspeccious. |Glor̄.ca.9.W.2.ca.29.

¶Felony.4. Cap.12.

Purueu est ensement, q̄ les felōs escries et queux sont appertement de male fame, et ne soy voilent mittre en enquestes des felonies, q̄ homes met sur eux deuaunt iustices a le suite le roye, soyent mises en la pryson fort & dure, come ceux queux refusent estre al comen ley de la terre. Mes ceo nest mye a entend̄ pur prisoners q̄ sont prises pur leger̄ suspeccion.

¶Rape.1. Cap.13.

¶Et le roy defend̄, que nul ne rauise ne preign̄ a force damesele deins age, ne p̄ son gree, ne sans son gree, ne dame ne damesel de age, naut̄ feme maugre le souen. Et si nul le face, a le suite celuy que suera deines les xl.iours le roy luy fra comen droiture. Et si nul commence la suit deins le.xl.iours l'roy suera, et ceux q̄ux il trouera culpables, ils queront la prisonmēt de.ii.ans, & puis seront rents a la volunte le roy, et sils neient dont estre rents, soient punis per plus longe prisonment, solonque ceo que le trespas demaund̄.

¶Appels.2. Cap.14.

¶Et pur ceo q̄ hōe ad vse en ascū payes de vtlager les gents appels de commaundem̄t, force, eid̄, ou de receiptm̄t, deins m̄ la terme q̄ home doit vtlager celuy q̄ est appel

de fait. Purueu est & commaunde ꝑ le roy, q̄ nulle ne soit vtlage pur appell' de commaundement, force, aide, ou de resceyptment, iusq̄ a taunt que lappellee del fait soit attaint, issint q̄ vn m̄ ley soit de ceo ꝑ tout la terr̄, mes celuy q̄ voet appeller, ne lessa pas pur ceo de attacher son appell', ou prochein̄ county vers ceux, auxibien com̄ vers les appelles du fait, mes lexigēt de eux demurge tanque les apples de fait soient attaints ꝑ vtlagar̄ ou auterment.

¶ Mainprise. 2. Cap. 15.

¶ Et pur ceo que viscoūts et aut̄s, queux ount prises & retenus en prison gents rettes de felony |et| meint foits ount lesse ꝑ repleuin les gents, queux ne sont my repleuisablz et ont detenus en prison ceux q̄ux sont repleuisables, ꝑ encheason de gaign̄ des vnz, & de greuer les auters, et pur ceo que auant ces heures ne fuit my determin̄ | certeinment| queux gentes fuissent repleuisables, & queux non, forspris ceux queux fuissent pryses pur mort de home, ou per commaundemēt le roy ou de les iustices, ou pur la forest. Purueu est, & ꝑ le roy commaunde, que les prisoners queux sont auant vtlages, et ceux q̄ux eyent foriure la terr̄, prouours, et ceux queux sont prises oue manor, & ceux queux oūt debruse la prison le roy, larons apiertment escryes & notories, & ceux que sont appelles des prouours, tanq̄ come les prouours sont en vie (sils ne soient de bone fame) & ceux q̄ux sont prises pur arson feloniousment fait, ou pur

faux

faux money, ou fauxer de seale le roy, ou excommenge prise per prier̄ leuesq̄, ou pur appiert malueist ou pur treasō, que touche l'roy mesme, ne soient en nul maner repleuisables per le common briefe, ne sans br̄, Mes ceux q̄ux sont enditez de larceny per enquests dez viscounts, ou des baillifes prises de lour offices, ou pur leger suspeccion, ou pur petit larceny, que namount ouster le value de .xij. deniers, sils ne soient rettes dauter larceny, deuant cel heure, ou rettes de receiptem̄t des larons, ou des felons, ou de commaundem̄t, ou de la force, ou del aide de le felon̄ fait, ou rettes dauter trespas, pur le q̄l vn ne doit p̄dre vie ne membre, & home appell' de ꝓuour puis la mort le prouour, sil ne soit apiert laron̄ escrie, soite desormes lesse per suffisant pleuin, deuant le vicont, dont le vic̄ voil' respond̄, & ceo sans riens don̄ de lour biens pur la pleuin. Et si le vic̄ ou aut̄ lessent p̄ pleuin vll', q̄ ne soit repleuisable, si ceo soit vic̄, constable, ou aut̄ baillife de fee que eit garde de prisōs, & de ceo soit attaint, pard̄ le fee & baillie a touts iours. Et si soit south vic̄, cōstable, ou baillife, ou celuy q̄ ad tiel fee pur garder les prisons, & eit ceo fait sans la volunte son seignior, ou auter baillif que ne soit de fee eit lenprisonm̄t de .iij. ans & soit rent a le volunte le roy. Et si vl' detein les prisoners repleuisables, puis q̄ le prison̄ eit offre suffisāt suertie, il serr̄ en le greue mercy le roye. Et sil prent iour pur luy deliuerer, il rendra le double au prisoner, & ensement serra en le

greue

greue mercy le roye | de finibus leuatis. 27. E. 1. cap. 13.

¶ Distres. 6. Cap. 16.

¶ En droit de ceo q̄ ascū gents parnoūt, & prendre fount les auers des auk̄s, & les chasent hors del county ou les auerz fuerōt prises. Purueu est q̄ nul desormez ne le fac̄. Et si vl le face, soit greuement rent solonque ceo q̄ est contenue en les estatutes de Marlebr̄ | cap. 4 | faits en tēps le roy H. pier le roy q̄ ore est. Et p m̄ le man̄ soit fait de ceux, q̄ux parnont les auers a tort, & q̄ux font distres en auk̄ fee, plus greuement soient punis, si le maner de trespas le demaūd̄. | Marlebridge 1. cap. 15.

¶ Distres. 7. Cap. 17.

¶ Purueu est ensement, q̄ si vl desormes preign̄ les auers des auk̄s, & les face chasen chastell', ou en forcelet, et illonq̄s de deynes le close du chastel, ou de forcelet les deteign̄ encount̄ gage & pledge, pur que les auers serront solempnem̄t dd̄ez per visc̄, ou p auk̄ bailife le roy a la suite del pl', le visc̄ ou le baillif prise oue luy power de son countie ou de sa baill', et voile affair̄ de ceo repleuin̄ des aūs a celuy q̄ les auer̄ prise, ou a son sn̄r, ou as auters des homes son seignior quicunq̄s q̄ux sont troues en le lieu, ou les auers fuerōt en chases. Et si homeluy deforce adonq̄s de la deliuerance des auers, ou q̄l ne troue home pur le seigniour, ou pur celuy que les auers prise que respoign̄ & face le deliuerance, ap̄s ceo que le seignior, ou parnour, per vic̄ ou p baillif,

Marlebr: cap.

baillife, serra amonest de fair̄ la deliuerance, si soit en paiz, ou pres, ou la ou il purr̄ per le parnour, ou per auters des fees couenablem̄t estr̄ garnie de fair̄ la deliuer̄, sil fuist horz de cel pais quant le prise fuit fait, et ne face, adonq̄s maintenant les auers deliuer̄, q̄ le roy pur le trespas et pur le despite, face abat̄ le chastel ou le forcelet sans recouer̄, & touts les damages que le pl' auer̄ resceu des ses auers, ou de son gaignage desturbe, ou en auter maner puis le primer demaunde dez aūs fait per le vic̄ ou per le baillife, luy soient restores au double, de seigniour, ou de celuy q̄ les auers auer̄ prise, sil eit de quoy, et sil neit de quoy, respoygn̄ le seignior, q̄l heure et en q̄l maner deliuerance soit fait apres ceo que le visc̄ ou le baillife serra venue pur la delyuerance fair̄. Et fait assauoir que la ou l' visc̄ deuer̄ fair̄ retorn̄ del briefe le roy au baillife, le seignior du chastel ou de forcelet, ou a aut̄ a que retorn̄ de briefe le roy appent, si le baillife de cel franchise ne face le deliuerāce, puis q̄ le vic̄ auer̄ le retorn̄ a luy fait, face le visc̄ son office sans delay, et sur lauantdit peyn̄. Et per m̄ le maner soit fait la deliuerāce per attachment de pleint fait sans brief, et sur m̄ la peyne. Et ceo face a entender per tout la ou le briefe le roy court. Et si ceo soyt en le marche de Gales, ou ayllours, la ou le brief le roy ne court mie, le roy que est soueraign̄ seigniour ent fra droit a ceux q̄ux pleind̄ se voudront.

¶ Iustices

¶Iustices en eire.2. Cap.18

¶Pur ceo que la commen fine & amerciamēt de tout le coūty en eyre des iustices pur faux iudgements, ou pur auter trespas, est assise p vic̄ et bareettours des coūties malement, issint q̄ la summe est meintfoits ēcrue, et les parcels auterment assise q̄ estre ne deuissent, au dam̄ du people, et plusiours foytes sont payes as visconts & barrettours, q̄ ne point les acquitent. Purueu est, et voet le roy, que desormes en eire des iustices, deuāt eux deuant lour departur̄ soit tiel summe assise p serement de chiualers et des ꝓbes homes sur touts iceux que escoter deuerunt: les iustices facent mitter les ꝑcels en lour estretes quils liuerent al eschequer, et non pas la some totale.

¶Det al roy.2. Cap.19.

¶En droit des visc̄ ou aut̄s q̄ux respoign̄ per lour maines al eschequer, et queux ount resc̄ de les dettes le roy pier le roy q̄ ore est, ou les dettes le roy mesme, auant ces heures & queux ne ount my acquites de ceo les dettours al eschequer. Purueu est que le roy ennoiera bones gents per touts les coūties a oyer touts iceux, q̄ux de ceo plein se voudront, & a termiñ issint la besoign̄, q̄ ceux que purront mr̄er q̄ls tient issint auaūt payes a touts iours|ent|serront quites, le q̄l que les visconts ou auters serront mortes ou viues en certeine fourme q̄ lour serr̄ baill'. Et ceux q̄ issint nauer̄ fait, sils soient en vies, serront punis greuement. Et sils soient morts. lour

heires

heires respoign̄, et soient charges de la dett. Et commaund̄ le roy q̄ les viscounts, & les auters auantdits desormes loialment acquitent les dettours a prochein accompt, puis q̄ ils aueront le det resceux: et donq̄ soit le det allowe al eschequer, issint q̄ iāmes ne veign̄ en summon̄. Et si le visc̄ auterment face, et de ceo soit attaint, cy rendra al pl' le treble de ceo quel auer̄ de luy resceu, et soit rent a la volunte le roy. Et bn̄ se gard̄ chescū viscōt quil eit tiel resceiuour, pur q̄ il voudra respond̄: car le roy se prendra del tout as visc̄, et a lour heires. Et si auter que respoign̄ per sa maine al eschequer le face: il rendra le treble al plaintife, & soit rent en mesme le man̄. Et q̄ les visconts facēt tailes a touts iceux q̄ux paieront le det le roy. Et q̄ la summōs de eschequer a touts les dettours, q̄ux demaūder voudront la view, facent monstrer sans denier les a nully, & ceo sans riens prēd̄ de lour, et sans riens don̄, & q̄ ne le fra, le roy se prendra a luy greuement.

¶Forestes.18. Cap.20.

¶Purueu est ensement de miffaisours en parkes, & en viuers, que si vll' de ceo soit attaint per le suite del plaintife soyent agardes bones & hautes amendes, solonquez le man̄ de trespas, et eit la prisonment de trois ans, et dillonq̄ soit rent a le volunte le roy sil ad de quoy poit estre rent, et lors troua bone suertie q̄l iāmes ne misface. Et sil neit doūt poit estre issint rent, apres la prisonment de troys ans, troua mesme la suertie. Et sil ne puisse

puisse trouer la suerty foriur̄ le roialme. Et si nul de ceo rette soit fugitife, et neit terre, ne tenement suffisant per quoy il poit estre iustifie, si court come le roy auera ceo trouer ꝑ bone inquest, soit demaund̄ de county en county. Et sil ne veign̄ soit vtlage. Puruen est ensement & accorde, que si vll' ne suit dedeins lan & le iour pur le trespas fait, le roy auer̄ le suite, et ceux q̄ il trouā de ceo rettes per bone enquest, serront punis per mesm̄ le maner en touts points sicome desuis est dit. Et si nul tiel misfesour soit attaint, quil eyt pris en ses parkes bestes domestes, ou aut chose en le maner de roberie en venant, ou demurrant, ou en retornant, soit fait de luy common ley, q̄ affiert a celuy que est attaint de appꝛt robbery & larceny, auxibien a la suit le roy come dauter.

¶ Wardes. 9. Cap. 21.

¶ En droit des terres des heires deynes age, q̄ux sont en le gard̄ lour seigniors, pueueu est, que les gardeins les gardent, & susteynent, sans destruccion fair̄ en tout rien: et que de tiels manners de gardes soit fayt en touts points solonq̄ ceo que est contenu en le graunde charter des franchises fait en temps le roy H. pier le roy que ore est | M. C. ca. 4. 5. & 6. | Et qui issint soit vse desormes, et per m̄ le maner soyent gardes l's archeuesq̄, euesques, abbes, esglises et dignities en tēps de vacacion. | Vide articuli sup cartas. cap. 18.

¶ Wardes

¶Wardes.10. Capp.22.

¶Des heires maries deines age, sans le gree de lour gardeins auant q̄ ils eient passes lage de.xiiij.ans, soit fait solonqꝫ ceo que est contenue en le purueyance de Merton cap.6. Et de ceux q̄ serront maries sans le gree de lour gardeines puis quels aueront passes lage de xiiij.ans, le gardein eit l' double value de son mariage, solonqꝫ la tenure de mesme la purueyance, Ouster ceo ceux q̄ux aueront sustrete le mariage, rendent le droit value del mariage al gardeine pur le trespas, et ialemeins le roy eit les amendes solonqꝫ mesme le purueiance de celuy que le aueꝛ sustreit.W.2.ca.35. Et des heires femals, puis q̄ls aueront accomples lage de .xiiij. ans, et le seigniour a que le maryage appent celes ne voudra marier, mes pur conetise de la terre les voudra tenir dismarye Purueu est que le seigniour ne puit auer ne tener per encheason del mariage les terres a tyels heires females ouster deux anz aprez la terme des auātditz.xiiij.ans. Et si le seigniour deynes les deux ans ne les marie, dōque eyant els accion de recouerer lour heritage quitement sans ryen doñ pur le gard̄ ou pur le mariage. Et si els per malice, ou per malueys counsell ne se voillent pur lour chiefe seigniours marier, ou els ne soyent disperages, q̄ les seigniours teignēt la t̄re & la heritage iesqꝫ al age del infant male, cest ascauoir de.xxi.ans & ouster, iesqꝫ ils eyent prises le value del mariage.

¶Dette

¶Dette.1. Cap.23.

¶Purueu est ensement, q̄ en citye, burgh, vill', faire, ne en marche, ne soit nul home fe-reiñ, q̄ soit de cest royalme, distreine pur de[illegible] dont il nest dettour ou pledge, et que le fra serr̄ greuousement punie, et sans delay soit le distresse deliuer per les baillifes du lyeu ou per auters bayllyfes le Roy, si mestier soyt.

¶Assise.2. Cap.24.

¶Purueu est ensement q̄ null' eschetour, visc̄, nauter bayllife le roy per colour de son office saũs especial garr̄ ou commaũdement ou certaine aucthoritie que appent a son office, ne disseise nul home de son frankt̄, ne de chose q̄ appent a son frankt̄. Et si ascune le fait, soit a la volunte le disseisie, que le roy de son office le face amender a son pleint, ou il eit la common ley per briefe de Nouel disseisin. Et celuy que serra de ceo attaint, rend les dam̄ a double a mesme le pl', et serr̄ en le greuous mercy le roy.

¶Champertie.1. Cap.25.

¶Nul minister le roy, ne mainteyne per luy ne per auter, lez plees, pols, ou besoignes queux sont en la court le roy, des terres, tenementes, ou des auters choses, pur auer part de ceo, ou auter profit per couenant fait. Et que le fra soit punie a la volunte le roy. Vide Champtie.11.E.1.

Extorcion.1. Cap.26.

¶Et que nul visc̄, nauter minister l' roy, ne preigne reward pur fair̄ son office: mes soient

soient paies de ceo quils parnont del roy. Et qui la fra rendza le double al pt̃, & serr̃ punie a la volunte le roy.

¶Extorcion.2. Cap.27.

¶Et que nul clerke de Justice, deschetor ou denquerour, nail riens ne prceigne pur liuerer chapiters, forpris solement clerks des Justices errants en lour eyres, et ceo il.s. et nient pluis de chescun wapentake, hũdreð, ou ville, qui respoigñ per xij. ou per.vi. solon que ceo qui auncientment fuit vse. Et qui autrement le fra, rendza le treble de ceo quel auera prís, et perdza le seruice son seignior p vn an.

¶Maintenance.1 Cap.28.

¶Et que nul clerke le roy, ne des Justices reseeue desormes prcsentment de esglise, dont plee ou contekе soit en la court le Roy, sans especial conge le roy, et ceo defenð le roy sur peine de perdre lesglise et son seruice. Et que nul clerke del Justice, ne de viscont, ne maintene parties en querelz ne besoignes queux sont en la court le roy, ne fraude ne face pur commen droiture delayre ne disturber. Et si vil le fait, il serr̃ puny per la paine prochein-mẽt auantdit, ou per pluis grieuous si le tres-pas le requiert.

¶Disceit.1. Cap 29.

¶Purueu est ensement que si vll' serieant counter, ou auter face vll' maner de disceite, ou de collusion en la court le roy, ou consent de faire la en disceite de la court pur engiñ la court ou la partie, & de ceo soit attaint, lors

|puis| eit la prisonm̄t dun an & vn iour, et ne soit oye en la court le roy a coūt pur nulluy. Et si k soit auk q̄ count per mesme le maner eit la prison dun an et dū iour a tout le meins. Et si le trespas demande greinder peine, soit a la volunte le Roy.

¶Extorcion. 3. Cap. 29.

¶Et pur ceo que multz des gents se pleignent des serieantez, criours de fee, et les marshals des Justices en eyre, et |dauters Justices| quelz parnent a torte deniers de ceux queux recoueront seisine del terre, ou queux gaignont lour quereles, et de fine leur et des iurrours, villes, prisoners, et des auters attachies en plees de la corone, autrement que faire ne duissent, en multes des maners, et de ceo quel ad plus graund nomber de ceux que estre ne duist, per que le people est malement greue le Roye defend, que cestes choses ne soient desormes faitz. Et si vll' serieant de fee le face, office soit prise en le maine le Roye. Et si marshals des Justices le facent, soient punis greuement a la volunte le roy. Et a toutz les pleintifs lune & lauter rendr̄ le treble de ceo quilz auer̄ pris en cell' maner.

¶Toll. 1. Cap. 30.

¶De ceux queux parnont outragious tolnet, enconter commen vsage du Royalme en la ville merchandie. Purueu est que si vll' le face en la ville le roy mesme, que soit bayle a fee ferme, le roye prendra le fraunchise del marche en sa maine. Et si soit auter vill' ceo

ceo soit fait per le seignour de mesme la vile le roy le ira per mesme le maner. Et sil soyt fait per le baillife sans le commaundement le seignour, il rendra al plaintife au taunt pur le outragious prise, come il auoit prise de luy, sil vit emporte son tolne: et il auera prison del viscounts. Des citizens, & des burges a que le roye ou son pere ad graunt murage pur lour villes enclofer, & que tiel murage parnent autrement que lour est graunte, et de ceo soient attaintes. Purueu est quels pardent cel graunt de toutz le temps que serra auener, et serront en le greuous mercy le Roy.

¶ Purueions. 3. Cap. 31.

¶ De ceux q̃ux parnent vitaill', ou nul riens al oeps le roy a creance, ou a garrison du chastell' ou ailleurs, et quant ils ont receeue le paiment al eschequer, ou en Garderobe, ou ailleurs, deteignont le paiment des creancers, a graund damage de eux, & en esclaũder du Roy. Purueu est de ceux queux ount terres ou tenementes, que maintenant soyt ceo leue de lour terres ou de lour chateux, & paies as creanciers, oue les damages queux ils aueront ewe, & soient reints pur le trespas et sils nient terres ne tenementes, soient en le prison a la volunte le roy. De ceux q̃ pernont parte des dettes le roy, ou autres lowers pernent des creansours le roye, pur faire le paiment de mesme cels dettes. Purueu est quilz rendent le double, & soient punys greuement a la volunte le Roy. Et de ceux

queux parnont chiuals, ou charettes a faire le cariage le roy, pluis qui mestier serroit, & pernont lowers pur|relesser|les chiuals, ou les charettes. Purueu est q̄ si vll' de la court la face, il serra greuement chastice ꝑ les mareschalles, & si ceo soit fait hors de la courte, |ꝑ vn del court| ou per aut̄ que de la court, & il |ent|soit attaint il rendra le treble, & serr̄ en le prison le roy ꝑ xl. iours.

¶ County & Tourne. 3. Cap. 32.

¶ Purueu est, que nul vic̄, ne suff̄ barrettours ne maintenours des parolz en counties, ne seneschales des graundes seigniours, ne des auters (que ne soit attourney son seigniour) a|la|suit faire, ne render les iudgemētes des countes, ne pronouncer les iudgem̄tz | ou assent̄ de faire les Justicementes | sil ne soit especialment prie et requise de toutes les sutours et les attournes des sutours, queux serrōt a la iourn̄. Et si null' le face, le roy le prendra greuousem̄t a vic̄ & a luy.

¶ Newes 1. Cap. 33.

¶ Pur ceo qui plusours sont souent troues in counte controuours des coūtes, dont discord̄, ou maner de discorde ad este souent entre le roy et son people, ou|ascūs de|les hautes homes de son roialme, defendu est pur le damage que ad este, & qui vncorc ent purra auenir̄, que desormes null' ne soit cy harde de dic̄, ne de coūt̄ nulles faux nouelles ou cōtrouour, dōt discord̄ ou maner de discord̄, ou disclaundr̄ puisse surdre entre le roy & son peopl̄ ou les hautes homes de son roialme. Et qui le

le fra soit pris, et detenus en prison iesques a tant que il eit troue en courte celuy dont la parolle serra meue. |2.R.2.ca.5.|

¶Arrestes.I Cap.34.

¶Des hautes homes, & de lour bailiffes & des auters (forpris les ministers le Roy, as queux especiall' auctho ritie est don̄ de r̄ faire) qui a le pleint des ascuns, ou per lour auctho ritie demesne, attachent auters oue lour bn̄s trespas passantes per lour poier, a responder deuant eux des contractes, couenantz, ou de trn̄s faitz hors de lour poier, & lour iurisdiction, la ou ilz ne teignont riens de cux, ne deins la franchise ou lour poier est, en preindic̄ du roy, & de sa corone, & a dam̄ du people. Puruen est qui null' desormes ne le face. Et si ascē le face, il rēdra a celuy, qui p cel encheson serr̄ attache, son dam̄ au double, & serr̄ en le grieue mercy le roy.

¶Reasonable Ayde.I. Cap.35.

¶Pur ceo qui auant ceux heures ne fuit vnques reasonable aid̄ a faire leigne fitz chiuall' ne a leign̄ file marier, mise en certein̄, ne quant ceo deueroit estre prise, ne q̄l heure, per quoy les vns leuerent outragious aide, & pl⁹ tost q̄ ne semble eit mestre, dont la people se sentit greue. Puruen est qui desormes de fee de chiuall' entier solement soient dones xx.s. et de xx li. de terre tenus per socage xx.s. & de plus, pluis, & de meins, meins, solōq̄ lafferāt Et qui nul ne puisse leuer tiel aide a fair̄ son fits chiualler, tanq̄ qui son fits soyt del age de xv. ans ne a sa file marier tanq̄ qui el soyt

del age de vij. ans. Et de ceo serra fait mencion en le brief le roy fourm̄ sur ceo quāt hōe le voile demaunder. Et si aueign̄ que le pier, quant il auera tiel cide leue de ses tenantes, morgage auant q̄l eit sa file marie, lez executours le pier soient tenus a la file, entant cōe le pier auera resceu pur cest aide. Et si les bn̄s le pier ne suffisent, son heir̄ soit de c̄ ten' a le file. | Glanuile fo. 71.

¶ Assise. 3. cap. 36.

¶ Purueu est & accord̄ ensem̄t, que si hom̄ soit attaint de disseisin, fait en temps le Roy q̄ ore est, ouesq; robbery, de ascune maner de chattel ou de mouable, et soit troue vers luy per recognisans de assise de nouel disseisine le iudgement soit tiel, que le pl' recouera sa seisin & les dam̄, auxibien de chatel' et de mouabl' auantditz, come del soil'. Et le disseisour soit reint, le quel que il soit present ou non, issint que (sil soit presēt) primes soit agard̄ a la prison. Et per mesme le maner soit fait de disseisine fait a forc̄ et armis, tout ne face home robbery.

¶ Attaint. 1 cap. 37.

¶ Pur ceo que ascuns gents de la terre doutent meins faux sereissent faire, que faire ne duissent, per que multz des gentes sont disherites, et perdent lour droit. Purueu est que le roy, de son office, desormes donera attaintes sur les inquestes en pl' de terre, ou de franktenement, ou de chose que touche franktenement, quant il semblera que ne besoign̄ soit.

¶ Lim-

¶ Limitacion.2. Cap 38.

¶ Et pur ceo que le temps est mult passe puis que les briefes de south nosmes furrent auterfoits limittes. Purueu est que en count countant de discent en brief de droit, nul ne soit si ose de count de la seisin son auncestr̄ de plus longe seisin que de temps le roy. R. vncle le roy Henry, pier le roy que ore est. Et que le brief de nouel disseisin. & de pur party, que est appell' nuper obijt, cient le terme puis le primer passage le roy Henry, pier le roye q̄ ore est en Gascoigne, mes nemy auant. Et les brieues de mortdaunc̄, de cosinage, de aiel, de entre, & brief de neiktie, eient le terme del coronement meisme le roy Henry, & nemy auāt. Mes que toutes les brieues ore a per meismes purchases, ou apurchaser entr̄ cy & la [feast] Saint John en vn an, soient pledes due tēps q̄ auant soient estr̄ pledes.

¶ Voucher.2 Cap.39.

¶ Pur ceo que mults des gents sont delaies de lour droit, p faurem̄t voucher a garranty. Purueu est que en brieues de poss. tout adeprimes come en brief de mordaunc̄, cosinage, del aiel, nuper obijt, de intrusion, & autz brieues semblables, per les queux terres ou tenements sont demaundes q̄r deuoient discendr̄, reuerter, remaindr̄, ou eschier per mort daunc̄, ou dauter, que si le tenaunt vouche a garrant. & le demaundant luy counterpleð, & voill' auerrer per assise, ou per pais, ou en auter maner, sicome le court le iust̄ oy agarde, q̄ le tenant ou son aunc̄. que heire il est, fait le

primer qui entra apres la mort celuy de qui seisin il demaunde, soit le auerrement del demaund resceu, si le tenant le voill attender, & sinon, soit bote ouster a auter respons, sil neit son garranty en present, qui luy voill garrãter de son gree, & maintenaunt entrer en respons, saue al demaundant ses exceptions encoũter luy, sil voill voucher ouster, come il auoit auant, enconter le primer tenant. De rechiefe en toutz maners des briefes dentre, queux font mencion des degrees, purueu | est | nul desormes vouche hors de la ligne. Et en auters briefes dentre, ou nul mencion est fait de degrees, les q̃ux briefes ne sont sustenus, forsq̃ la, ou les auantditz briefes de degrees ne poiẽt giser ne lieu tenir, & en brief de droit Purueu est que si le tenant vouche a garrãtie, & le demaund le voill counterpleð, & soit prist de auerrer per pais, que celuy qui est vouche a garrant, | ne nul | de ses auncesters ne vnques auoient seisine de la terre, ou del tẽs demaunde, ne fee, ne seruice per la maine le tenant, ou | ascun | de ses auncesters, puis le temps celuy, de qui seisin le demaunð counte iusques al temps qui le brief fuit purchace, & piee moue, per qui il poit le tenant ou ses auncesters auer seisie. Donques soit lauerremẽt del demand resceu, si le tenant le voill attender, & sinon, soit le tenant bote ouster a auter respons, sil neit son garrante en present, qui luy voill garraunter de son gree, & maintenant enter en respons, salue al demaund ses excepc̃ encounter luy, sicome il auoit auaunt

encounter

encounter le primer tenant. Et lauantdit excepcion eit lieu en brief de mordanc̄, & en ses auters briefes deuant nosmes, auxbien come en briefes queux touchent droit. Et si le tenant per cas eit Charter de garranty de aut̄ home |de ceo chose,| qui soit oblige en nul des auantdits cases a la garranty de son eigñ degree, saue luy soit son recouer̄ per briefs de garr̄ de charter de le chauncell̄ le Roy, quāt il le voudra purchaser, mes qui le plee ne soit pur ceo delaye.

¶ Battaile and graund Assise. 1. Cap. 40

¶ De serementes des champions, est issint purueu. Pur ceo qui rarement auient qui le champion le demaundant ne soit periure en ceo quil iure qui il, ou son piere vist la seisine son seigniour, ou de son auncestour, & qui son pere luy cominaund a faire la dereigñ, q̄ desormes ne soit le champion le demandant cōstreint a ceo iurrer, mes soit le seremēt gard̄ en toutz ses auters points.

¶ Essoine. 3 Cap. 41.

¶ Pur ceo qui en brief dassise, datteintes, & de iuris vtrum, les iurrours sont souēt trauels per essoines des tenants. Purueu est q̄ del heure q̄ le tenant vn foites apparust en court iames ne puisse |le tenant| se essoin, mez fait son attourney a suer pur luy, sil voill̄. Et si non soit lassise, ou le iure prise p̄ son default |W. 2. ca. 28.

¶ Essoine. 4. Cap. 42.

¶ Pur ceo qui les demand̄ sont souent delaies de tout droit, pur ceo qui ou sont plusiours

ours parceners tenantes, dont nul puet respoign̄ sauns auter, ou q̄l ad plusiours tenāt iointment feoffes, ou nul ne sciet son seueralt a ceux tenāts souēt forchient per essoiñ, issint que chescun̄ eit vn essoien. Purueu est desormes, que ceux tenants neient essoiñ forsque a vn iour, nient pluis que vn sole tenant naueroit, issint que iammes ne puissent forcher. forsq̄ tant solement auer vn essoine.

¶Essoine 5. Cap. 43.

¶Pur ceo que multes des gentes se font fauxement essoien de outre mere, la ou ilz fuerent en Engleterre le iour de la sommons. Purueu est disormes, que cell' essoin ne soyt pas de tout allowe, si le demaundant le chalenge, & soit prist dauerrer quel fuit en Engleterre le iour que le somons fuist fait, & iij. semaignes apres, mes soit aiourñ en cest forme, que si le demand̄ sue a tiel iour auerrem̄t ꝑ pais, ou si come la court le roy agardra & soit attaint que le tenant fuist deins le qual meres| Dengliterre| le iour q̄ il fuist som̄, et trois semaignes apres, issint que il puit estre reasonablem̄t garny de| la| somōs, soit lessoiñ torne en vn defaute, & ceo fait a entend̄ tant solem̄t deuant les Iustices le Roy.

¶Estreites. I. Cap. 44.

¶De delaies en toutz maners des briefes, & des attachementz est puruen, q̄ si le tenant ou le defendant, apres le primer attachement tesmoign̄, face defaut maintenant soit le grād distr̄ agard̄. Et si visc̄ ne respoign̄ sufficientment au iour, soit greuousement amercy. Et

sil

sil maund que il ad fait lexecucion en due maner, & les issues bailes as mainpernours, adõques soit maunde au vic̃, que il al auter iour face venir les issues deuant iustices. Et si lattachee veign̄ a cel iour sauer̄ ses defautes, eit il ses issues. Et sil ne veign̄, eit le roy les issues. Et les Justices le roy les facent liuerer a la garderobe, & Justices del banke a westm̄ les facent liuerer al eschequer, & iustices en eire, au vic̃ de cell' countye, ou ilz piedent, auxibien de cel countie come des foreine counties, & de ceo soient charges en somons per rolles de Justices.

¶Iustices of both benches.I Cap.45

¶Puruen est ensement, & per le roye commaunde, que les Justices de banke le roy et | Justices de bank a | westminster desormes p pledent les plees a terminer a vn iour, auaunt que rien soit arraine, ou commence des plees del iour ensuant forspris q̄ lour essoign̄ soiēt entres, iudges, & rendus, & per encheson de ceo nul home se assie, que il ne veigne au iour q̄ don̄ luy est.

¶Age.I Cap.46,

¶Puruen est ensement, que si nul desormes purchace brief de nouel disseisin, & celuy sur que le brief vient, come principal disseisor mourge auaunt que lassise soit passe, que le pl' eite son briefe Dentre foundus sur dysseisine sur le heire ou sur | les heyres | les disseisors, de q̄l age que ils soient. En m̄ le man̄ eit le heir̄, ou les heires le disseisie lour br̄es Dentre sur les disseisours | lour launcestr̄ ou

lour

lour heires, de quel age q̄lz soient. Et si par uenture le disseisie mourge auant quel eyt son purchace fait, issint que pur les nonages des heires dun part ne dauter ne soit le brief abatus, ne le plee delaye, mes en quaunt qui lom̄ poit sans ley offend̄, soit haste pur la fresh suit ap̄s le disseisin. Et en m̄ le man̄ soit t̄ point gard̄ en dr̄t des p̄lates, gentz de religion, & auters, as q̄ux terres & ten̄tez en nul maner puissent deuener ap̄z aut̄ mort, le q̄l que ilz soient disseisies, ou disseisours. Et si les parties en pledant discendont en enquest & lenquest passa encounter le heire deinz age & nosmement encounter le heire le disseisie, q̄ il en ceo cas eit latteint de la grace le roy sās rien doner.

¶ Procheine amy. I cap. 47.

¶ Si garden ou chiefe seigniour enfeffe vl home de la terre qui est del heritage del enfāt (qui est deins age & en sa gard̄) a le disheritance del heire. Purueu est, qui le heire eyt maintenant son recouere per briefe de nouel disseisine vers son gardein̄, & vers le tenant Et soit la seisine baill' per Justices, si el soyt recouer̄ al prochein amye lenfant, a qui le heritage ne purra my discend̄, pur approuer al oeps lenfant, et a responder des issues al heir̄ quant il viendra a son plein age. Et le gard̄ parde a tout sa vie, la gard̄ de mesme le chose recouer̄, & tout la rem̄ del heritage, q̄l tiēt en nosme del heire. Et si aut̄ gardein q̄ chyefe seigniour le face, parde le garde de tout cel chose |a cel foitz| & soit en griefe paine enuers

le

le roy. Et si lenfant soit elloigne, ou disturbe per le gardeine, ou per le feoffe, ou per auter per q̄ il ne puisse sa assise suer, iuc pur luy vn de ses prochein amies qui voudra, e soit a ceo resceu/W 2.ca.15.

¶Dower.2. cap.48.

¶En briefe de dower dont dame riens nad ne soit le brief abatus per exception del tenāt pur ceo quel auera resceu son dower de auter home auant son brief purchace, sil ne puit mō stre, qui el eit resceu part de sa dower de luy meisme, et en meisme la ville auant son brieue purchace.

¶Prerogatiua regis. cap.49.

¶Et pur ceo que le roy ad fait cel chose al honour de dieu, e saint esglise, et pur le cōmō pfite de people, et pur le alledgeance de ceux q̄x sont greues, il ne doit my qui auterfoits paissent turner a preiudice de luy, ne de sa corone, mes que les dēits, qui a luy apperteign̄ luy soient saues en touts pointes.

¶Assise.4. cap.50.

¶Et pur ceo que graund charitie serr̄ de faire droit a touts en tout temps, ou mester serroit: Purueu est per assentment des prelates, que assises de nouel disseisin, mordaūcester e de darrein presentment tuissēt prises en le Aduent en Septuagesime, e en quaresm̄ auxibien com̄ le home/prent lenquestes.

e ceo pria le Roy as Euesques.

¶Explicit statut de Westm̄ primer.

¶Statut' de Bigamis, editum Añ.iiij.E.primj.

IN presentia venerabilium pr̃m quorũdam episcoporum Angl', & aliorum de consilio regis, recitate fuerunt constituciones subscripte, & postmodum corã dño rege & consilio suo audite & publicate, quia omnes de consilio tam iustic' quã alij concordauerunt, quod in scripturã redigerentur ad perpetuam memoriam, & quod firmiter obseruentur.

¶Ayde de Roy.1 Cap.1.

¶De placitis vbi tenens excipit, quod sine rege respondere non põt, concordatum est per iustic', & alios sapientes de consilio regni dñi regis, qui consuetudines & vsum iudiciorum hactenus habuerunt, qd̃ vbi feoffamẽtũ factũ fuerit per regem, & charta sup̃ hoc incõfecta tm̃ se |habeat| qd̃ si alia persona p̃ cõsimile feoffamentum & cõsimilem chartam teneret ad warrantiam, iustic' vlterius procedere nõ poterunt, nec hucusq̃ processerũt, nisi super hoc preceptum a rege habuerunt, nec videre |possunt| q̃ procedere possint.

¶Ayde de roy.2. Cap.2.

¶In certis autem casib⁹, vtpote vbi rex confirmauerit, vel ratificauerit factum alicuius in rem alienam, vel rem aliquam alicui concesserit, quantũ in ipso est, vel vbi charta profertur, quod rex teñ aliquod reddiderit, nec

reo nẽ statute ꝑ 5h: 30 ass. 5°.

nec clausula aliqua in ea contineatur, per quā warrantizare debeat, et in consimilib⁹ casib⁹ non erit supersedend̄ occasione confirmationis, ratificationis, concessionis, seu redditionis, aut aliorum consimiliū, quin postquam hoc regi fuerit ostens. sine dilatione procedatur.

¶Ayde de Roye.3. Cap.3

¶De dotibus mulierum vbi aliqui custodes hereditatū maritorum suorum custodias habent ex dono vel concessione regis, siue custodes rem petitam teneant, siue heredes dictorum tenementorum vocentur ad warrant̄, si excipiant, quod sine rege respondere non possint, non ideo supersedeat̄, quin in loquela predicta, prout iustum fuerit, procedatur.

39. 13. 8 Somitte del rōmitteo ante ... rōmitte lo Rey.

¶Purpresture.1. Cap.4.

¶De purpresturijs, seu occupationib⁹ qui buscunq; factis super regem siue in libertatibus, siue alibi, concordatum est q̄ tempore regis H. diffinit̄ erat ꝑ concordat̄, quod vbi occupatores superstites fuerint, rex de plano resumat |sibi| rem taliter occupatam de manibus occupantium, quod etiam de cetero in regno obseruetur. Et si aliquis de huiusmodi resumptionibus cōqueratur, prout iustum fuerit audiatur.

¶Clergie.2. Cap.5.

¶De bigamis quos dominus papa in consilio suo Lugdunensi omni priuilegio clericali priuauit, per constitucionem inde editā et vnde quidam prelati illos qui effecti fuerāt

Biga=

Bigami ante predictam constitucionē, quādo de felonia rectati fuerunt, tanꝯ clericos exigerunt sibi liberandos, concordatum est & declaratum cotā rege & consilio suo, q̄ cōstitucio illa intelligenda sit qū̄ siue effecti fuerint bigami /ante/predictam constitucionem, siue post, de cetero nō liberēt prelatis, imma fiat eis iusticia sicut de laicis.

¶Voucher. 6. cap. 6.

¶ In chartis autem vbi continentur, dedi et concessi tale tenementū sine homagio, vel sine clausula que continet warrantiam, & tenenū de donatoribus et hereū suis p certum seruiciū, concordatū est q̄ eosdem iustiē qū donatores, & heredes sui teneantur ad warrantiā. Vbi aut̄ continentur dedi et concessi &c. tenenū de capitalibus dominis feodi aut de alīs quam de feoffatoribus vel heredib' suis nullo seruicio sibi retento, sine homagio, vel sine dicta clausula/warrantie/heredes sui non teneantur ad warrantiā. Ipse tamen feoffator in vita sua ratione doni prioris tenet warrantizare. Predicte autē constitutiones edite fuerunt apud Westm̄, in parliamēto post festum sancti Michaelis. Anno regni regis E. filij regis H. ilij. et extunc locum habeat.

¶ Explicit statutum de Bigamis.

IAn du grace M.CC.lxxij. & del raign̄ l'roy E. fitz le roy H̄e ry vi.a Gloceſter le mois dau-guſt, purueāt m̄ le roye, pur a-mendem̄t de ſon roialme, et pur plus pleiner exhibicion de droit ſicom̄ le p̄-ſit doffice demaunde, appelles les plus diſ-cretes de ſon roialme, auxibien des greinds come des meinders, eſtablie eſt, et concord-dantment ordine, q̄ come meſme le roialm̄ en pluſours diuers caſes, auxibien des fraūchi-ſes come dauters choſes, en les q̄ls ley auāt faillit, & a eſchuer les treſgreues damages et les nient numerables diſherisons, les quels ieel maner defaut de ley fiſt a la gent du roi-alme, eit meſtier de diuers ſuppletions de ley, et de nouels puruciances: les eſtatutes, ordeinments & puruetances ſuis eſcripts de tout la gent de la roialme deſormes ſoiēt fir-mement gardes, come prelates, counties, ba-rons & auts del roialme clayment auer diūs fraunchiſes, & les quels examiñ et iudgeē le roy a meſmes les prelates, counties, barons & auters, auoit done iour. Puruey eſt & con-cordantment graunte, que les auauntdites prelates, counties, barones & auterz, ceł ma-ner de fraunchiſe vſent, iſſint que riē ne iour accreſee per vſurpacion, ou occupacion, ne rien ſur le roy occupient, iuſq̄ al pchein ve-nue le roye per le countie, ou a la prochayne

venue des Justices errants as comō plees en mesme le countie, ou iusques le roy commaunde auter chose, saue le droit le roy com̄ il en voudra parler, solonqꝫ ceo que il eit cōtenue en le br̄ le roy. Et de ceo soient maūdes briefes as viscountes, bayllifes & aufs, pur chescun demandant. Et soit la form̄ del briefe change, solonqꝫ la diuersitie des frāchises, les quels chescun claime dauer. Et ls viscountes per toutes lour baillies ferront communement crier, cestassauoir en cytyes, burghes, en villes merchandes, & aillours, q̄ touts ceux q̄ ascuns franchises clayment aū per les charters les predecessours la roye, roys Dengleterre, ou en auter maner, soyēt deuant le roy, ou deuant iustices en eyer a certaine iour & lieu a monstrer quel manner de franchises ils claiment auer, et per quel garrant. Et les visconts mesme donqꝫ serront illonqꝫ personalment, ou lour bayllifes & ministers a certifier le roye sur les auantdits franchises, et auters choses que celles franchises touchent. Et cest crie dest r̄ deuāt le roy conteigne garnisement de. iij. semaignes. Et en mesme le maner ferront les viscoūtes crier en oyer de Justices. Et en m̄ le manner serront ils personalment, ou lour bayllifes et lour ministers, a certifyer les Justices de tiel manner de fraunchises, et des auters choses que celles franchises touchent. Et cest crie conteigne garnisement de quarāte iours, sicome le common summons contient: issint que si la party que claime aū

franchyses

franchises, soit deuant le roy ne soit pas mis en defaut deuant les Justyces en eyer, pur ceo que le roy de sa grace especial ad graũt que il gardera la party de damage, quant a cel aiournement. Et si cel party soit empled sur tiels maners de fraunchisez deuaunt vn paier de Justices auantdits mesmes les iustices deuant lez q̃lx la partie est en plee, garderent le ꝑty de damage deuant auters iustices, & deuant le roy luy mesmes, mesque il sache ꝑ les iustices, q̃ la ꝑty fuit en plee deuant eux sicome il est auantdit. Et si ceux q̃ tiels franchises claiment auer, ne veignẽt p̃ al iour auantdit: donq̃ soient les franchises en nosme de distresse prises en la main le roy per le viscoũt del lieu: issint quilz tiel maner de franchisez ne vsent, iusq̃ ilz veignẽt a receiuer droit. Et quant ilz veignẽt per cel distresse, lour fraũchises eux soiẽt repleuiez silz les demaund, les quelz repleuies respoignẽt maintenant en la ferme auantdit. Et peraduenture les parties exceptẽt, q̃l ne debuient ment de c̃ respond sans bre original, dõq̃ sil puisse estre suer q̃ eux de lour propre fayt, eyent vsurpe ou occupie ascũs frãchises sur le roy, ou sur ses predecessours, dit lour soit, q̃ maintenãt respoignent sans brief, et puis resceiuent iudgement, sicome le court le roye agardera. Et silz dient ouster, que lour auncester ou lour aũcesters de mesmes les frãchises morront seisies, soyent oyes, & maintenant soyt le veritie enquise, & solonq̃ ceo aillent les auant en le besoigne. Et sil soyte

troue q̃ lour auncester ent morust seisie: dõq̃ eyt le roy briefe original de sa Chauncery en fourme fait de ceo: Le roye maund̃ salute au viscount, summones per bone summoniours vn tiel, que il soit deuant nous a tiel lieu en nostre procheine venue en cel countie, ou deuant nous Justices a primer assises, come ils en cels parties viendront, a monstrer par quel graunt il claime dauer quitance de torñ pur soy ou pur ses homez per tout nostr̃ roialme ꝑ continuacion apres la mort tiel iadis son predecessour. Et eiets les summonours & ceo bre. Et si les parties veignont al iour, respoignent, & soit replie & judge. Et sils ne veignent ne soy esloinent: deuant le roy, & si le roy demurra ouster en cel countie, soit cõmaund̃ au viscont q̃l le face vener al quart iour. A q̃l iour sils ne veignent, & l' roye demurr̃ ouster en cel countie, soit fait sicome en eyre de Justices. Et si l' roy depart del coũtie, soient les parties aiornes a briefe iour, & eient reasonables delayes, iuxte les discrecions des iustices, sicõe en acciõs ꝑsonall. Et les iustices en eire facent de ceo, en lour oyers solonq̃ lordeinment auauntdit, & solonq̃ ceo q̃ tiel mañ de plees debuient estr̃ deduct. En oyer de plaintes faits & affaires dez bailies le roy & dauter baillifes, soit fait solonq̃ lordeinment auant fait de ceo, & solonq̃ les enquestes de ceo auant prisez, & de ceo ferrõt les iustices en eyre solonq̃ ceo q̃ le roy lour ad enioint, & solonq̃ les articles q̃ l' roy lour ad liuere. Vide tout ceo en latin plz playne

30. G

30.E.1.lestatute de Quo warr̄,tit̄ Fraū-
chises.5.]

¶Dam̄.I. Cap.I.

¶Come auaunt ces heures damages ne fuerunt agardes en Assises de nouel disseisin forsq̄ tantsolemēt vers les disseisours. Purueu est, que si les disseisours alienent les tenements et nient dont les damages puissent estre leues, qui ceux a que maines ceux tenements deuiendront, soient charges des damages, issint que chescun respoign̄ de son temps. Purueu est ensement, que le disseisie recouer̄ damages en briefe Dentre foundue sur̄ disseisin, vers celuy qui est troue tenant apres le disseisour. Purueu est ensement qui la ou auant ces heures damages ne fuerunt agardes en plee de mortdauncester, forsq̄ en case ou tenements fuerunt recoueres deuers chiefes seigniors| ceo fuist p statut Marlebr̄ cap.16.|qui desormes damages soient agardes en toutes cases, ou home recouer per assise de mortdauncester, sicome est auantdit en assise de nouel disseisin. Et en mesme le maner rec̄ home damage en briefe de Cosinage, Ayel, & Besayel. Et la ou auaunt cez heures damage ne fueront taxes, forsq̄ a le value des issues de la terre: Purueu est que le demaund̄ puit rec̄ vers le tenant les costages de son briefe purchase, ensemblement ouesq̄ les damages auantdits. Et tout ceo soit tenus en toutes cases, ou home recouer damages. Et soit desormes chescun tenus a render damages, la ou home recouer vers

luy de sa intrusion demeslne, ou de son fayt demeslne.

¶Age. 2. Cap. 2.

¶Si enfant deyns age soit tenus hors de son heritage apres la mort son pier, cosin, aiel ou besaiel, per que il conient quel purchas briefe, & son aduersarie beigne en court, & en respoignant allegge feoffement, ou aut chose dit, per que Justices agardent lenquest, la ou lenquest fuit delaye tusqz al age lenfant, si passa ore lenquest auxi come il fuit de plein age. ✦ Mo. 137.

¶Warranty. 1. Cap. 3.

¶Establie est ensemt, que si home apres tenement, que il tient per le ley Dengleterre, son fitz ne soit pas forbarre per le fayt son pier (de que nul heritage luy descend) a demander & reconerer per briefe de Mortdauncester de la seisin sa mier, tout face le charter son pier mencion que luy et ses heires sont tenus a la garr. Et si heritage luy descend de part son pier, donqz soit il forclose de le value del heritage, q̄ luy est descendus. Et si en tiel case apres la mort son pier, heritage luy soit descendus per mesme le pier, donqs anera le tenant vers luy reconery de la seisin sa mier, per briefe de iudgement que issera hors de rolles des iustices, deuant queux le plee fuit plede, a resom̄ son garrantie, sicome auant ad este fait en auters cases, ou le garrantye vient en court & dit, que riens ne luy est descend̄ de luy, per q̄ fait il est bouch. Et en mesme le manner eyt lissue le fitz recouer̄

per

per briefe de Cosinage, Ayel & besaiel. Ensement & en mesme le maner ne soit lheire la femme apres la morte le piere & la miere, barr̄ daccion a demaūder le heritage sa mier per briefe Dentre, que son pier en temps sa mier aliena, doūt nul fine nest leue en court le roye.

¶Cessauit.1. Cap.4.

¶Ensement si home lesse sa terre a ferm̄, ou a trouer estouers en viuer, ou en vesture que amoūt a la quart part de la veray value de la terre, & celuy q̄ la terr̄ tiēt issint charge la lesseest giser freshe, issint q̄ home ne puit trouer distresse per deux ans, ou per trois, a faire le ferme render, ou a faire ceo q̄ est cōtinue en lescript ou leas: establie est, q̄ apres les deux ans passes eit le lessour accion a demaūder la terr̄ en deueign̄ per briefe q̄ il auera en la chaūcery. Et si celuy, vers que la terre est demaūd̄, veign̄ auant iudgemēt, et rend̄ les arrerages & lez dam̄, & trouа suerty tiel cōe la court verra q̄ soit suffisāt a rēder en aprez | solonq̄ | ceo q̄ est cōtenue en lescript du leas, si reteign̄ la t̄re. Et sil demurr̄ tanque ele soit recouer per iudgemēt, soit il forclose a remenant. | W.2. capituli.21. et capituli. 41.

¶Waste.4. Cap.5.

¶Ensemēt est purueu, q̄ home eit desormes br̄ de wast en le chācery v̄s hōe q̄ tient per le ley Dengleterre, ou en auter maner a terme de vie, ou des ans, ou feme q̄ tient en dower. Et celuy q̄ serr̄ attaint de wast, ꝑde

le chose que il auer̄ waste: et ouster ceo face gree del treble de ceo q̄ le wast serr̄ taxe. Et en wast fait en gard̄, soit fait solonq̄ ceo que contenu est en la grand̄ charter cap. quarto. Et per la ou il est contenu en la grand̄ chr̄e, que celuy q̄ auer̄ fait wast en gard̄ pard̄ le gard̄, accord̄ est, q̄l rendra al heire les dam̄ del waste si issint soit q̄ la gard̄ ꝑdue ne suffist mie a le value des dam̄, auaunt lage del heire de m̄ le gard̄. | W. 1. ca. 21. articuli super cart̄. ca. 18.

¶Mordancester. 2. Cap. 6.

¶Purueu est ensement q̄ si home murge, & eit plusours heires, dont lun est fits ou file frere ou soer, neueu ou niece, & les aut̄s sont en plus long degree, touts les heires desormes eient recouere per briefe de mortdauncestour.

¶Entre. 2. Cap. 7.

¶Ensement si feme vend̄, ou done en fee, ou a terme de vie, ten̄t q̄ ele tiēt en dower, estably est q̄ le heir̄, ou auter, a qui la terr̄ deueroit reuert̄ ap̄s le decesse la fem̄, eit maintenant son recoūe ꝑ br̄ dentre, fait de ceo en la chancery.

¶Trespas. 1. Cap. 8.

¶Purueu est ensement q̄ les viscōtz pled̄ en countes les plees de trespas, auxi come ilz soilent estre pledes. Et q̄ nul neit desormes briefes de trespas deuant Justices, sil ne affirme per soy, q̄ les biens emportes vailent. xl. s al meins. Et sil se pleint de baterie, affirme per foy q̄ sa pleint est veritable. Des

plaies

plaies, & des maiheimes, eit home briefe si-
come home soleit auer. Et graunt est, qui les
defend̄ puissēt fair̄ attorneis en tiels plees,
ou appell' ne gist mye, issint q̄ sils soient at-
taints | du trespas | en lour absence, soit maūd̄
al visc̄, q̄ ils soient prises, & eient adonq̄s la
peiñ, q̄ ils aueront, sils vssēt estre presentes
quāt le iudgem̄t fuit rendus. Et si les plein-
tifes deformes en tiel trñs se facent essoine
ap̄s la prim̄ apparance, soit iour done iusq̄s
a la venue des iustices errants, & les defend̄
endementiers soient en peas en tiels plees, et
en auters plees, ou attachements & distr̄ gi-
sent. Si le defend̄ se face essoin del seruyce le
roy, et ne port son garrant au iour q̄ doñ luy
est per son essoiñ, estable est qui il rendra al
pl' les damages de la tourne de. xx. s. ou de
plus, solōq̄ le discrer̄ d̄s iustices, & iademaiz
soit en le griefe mercy le roy.

¶Pardon. I. Cap. 9.

¶Purueu est ensement, que nul briefe ne
iss. deformes de le chauncer̄ pur mort de hōe
denquerer si home occist auter, per misauē-
ture, ou soy defend̄, ou en aut̄ mañ pur felon̄
mes celuy soite en prison iusques al venue
des iustices errāts, ou assigñ a gaol' deliuer̄
& se mist en pais deuāt eux de bñ & male. Et
si soit troue per pais q̄ il le fist soy defendant
ou p̄ misauenture, donq̄s fra les iustices assa
uer au roy, & le roy luy en fra sa grace si luy
pleist | W. I. cap. II. | Purueu est ensement qui
nul appell' soit abatue si legierment cōe auāt
ad este, mes si lappellour counte le fait lañ
le iour

le iour, le heur̄, le temps le roy, & la vill' ou le fait fuist fait, & de q̄l arme il fuist occise, se estoia lappell', & tāmes ne soit lappell' abatus p defaut de freshsuit puis q̄ hōe sue dedeīs lan & le iour apres le fait.

¶Essoine. 7. Cap. 10.

¶Come il soit contenue en lestatut le roy que ore est | W 1. cap. 42. | que deux parceners ou deux queux teigne en comen, ne puyssent forcher per essoine, del heure quils auant vn foites apparus en count. Purueu est q̄ mesme ceo soyte tenus et gard̄, per la ou home & sa feme sont enpledes en la court le roy.

¶Disceipt. 1. Cap. 11.

¶Purueu est ensement, que si hōe bailla en la citie de Londres son tenement a terme des ans, & celuy a que le franktenement est, se face empled̄ per collusion, & face def. apres def. ou veigne en court, & la voil' render pur faire le termour perdre son term̄, & le demād̄ eit querell', issint q̄ le termour puisse auer recouere p briefe de couenant, le maior et les baillifes puissent enquirer per bone visne en la presence del termour, & del demaundant, le quel le demandant mouest son ple per bon̄ droit quel auoit, ou per collusion & p fraund̄ pur faire le termour pard̄r son terme. Et si troue soit per inquest, que le demaundāt mouest son ple per bone droit quel auoit, si soyt le iudgement parforme maintenant. Et si troue soit per inquest, q̄ il luy ēpleda p fraud̄ pur toller le termour son terme, si demurge le termour en son t̄me, & lexecut̄ del iudgem̄t pur

def. le vouchee ne faint pleder nō deins ce estatute. 14 H. 8. 4. 27. H. 8. 7. terme sur def. le vouchee feu rest̄ mis & ē p. 7. H. 7. n 26 ne feu restene pur feint pleder

par le demandant soit suspendus, iusques apres le terme passe. Et en mesme le manner soit fait de equite en tiel case deuant Justyces, si le termour le challenge deuãt iudgement rendus.

¶Voucher.5. Cap.12.

¶Purueu est ensement que si home soyt enplede de tenement en m̃ la citie, & vouche foreiñ a garrantie, q̃l veigñ en la chauncery & eit bre de som̃ son garrant a certaine ioure deuant Justices du banke, & vn aut bre au maior & as baillifes, que ils surcessent en le parol que est deuant eux per briefe, iesques a taũt que le parol de le garrantie serra termine deuant Justices du bank. Et quant le parol de la garrantie serra termine deuaunt Justices de bank, donq̃s serra dit au garr q̃ il voice en la city de Lond a respoigñ d chief ple. Et le ddant per sa suit eit br de Justicez de bank au maior & as baillifs, q̃ils voylent auant en le plee. Et si le ddant recoũ vers le tenant, veigñ le teñt as iustices de banke, et eit bre au maior & as baillifs, q̃ si le teñt eyt la tre pd⁹, q̃ ils facent extend la terr, et ret lextent en bãk a cert iour, & ap̃s soit mand au visc du paiz ou le garrant fuist somoñ, q̃l luy face auer de la terr le garrant a le value | Vide articuli Glocester correct. Anno nono Edward.2.

¶Estrepement.1. Cap.13.

¶Purueu est ensement, que del heure q̃ plee serra meu en la citie de Londres p bre, que le tenant neit power de faire waste, ne estrepement

estrepement du tenem̃t q̃ est en dd̃, pendãt le plee. Et sil le face, le mair̃ et les baillifes facent gard̃ a le suit de le dd̃ant. Et m̃ lord̃, & statut soit gard̃ en aut̃s cities, boroughs, et aillours p̃ tout le roalme.

Damages.2. Cap.14.

¶ Le roy graũte de sa grace as citizenz de Loũdres, q̃ la ou auant ces heurs ceux q̃ux fuerunt disseisies de lour franktenem̃t en m̃ la citie, ne poient recoũ lour damage auãt le venue des iustices a la towre, q̃ desormes iceux disseisies eiẽt lour dam̃ p̃ reconisãs de lassise, p̃ le q̃l ils recouerent lour tenñts, & les disseisours soient am̃cies deuant deux baronz del eschequer, q̃ux vn foits p̃ an viendrõt en la citie a t̃ fair̃. Et ceo soit mand̃ au treasorer, & as barons del eschequer, q̃ls le facent fair̃ chesc̃ an p̃ ij. de eux a lour leuer ap̃s la chaũdelure. Et les amerciam̃ts p̃ l's somõs del eschequer, soient leues al oeps le roy, & al eschequer delisies.

Wynes.1. Cap. 15.

¶ Purueu est ensem̃t q̃ le maire & les bailifes auant le venue de ceux barons enquergent des vines vend⁹ encount̃ lassise, et le p̃sent ẽt deuãt eux a lour venue, & dõq̃s soyent amercies, la ou ils soient attend̃ iesq̃s a le venu des iustices errants. Dones a Glocester le quart iour de October, lan du reigñ le roy Edward fitz le roy H.6.

¶ Explicit statut̃ de Glocester.

Explanationes

¶ Explanationes Statut̃ Glocester. Anno predicti Regis sexto æditę. fol.47.

POstmodum ꝑ dominum regem, & iusticiarios suos facte sunt q̃dam explanationes quorũd̃ articulorũ superius positorum.

Damages.3. Cap.1.

¶ Videlicet ad primum articulum, vt illi q̃ hñt ingressum per disseisinam incurrant damna a tempore statuti publicati. Eodem modo de breuibus de ingressu super disseisinam. De damnis in omnib⁹ breuib⁹ mortis ãtecessoris, cõsanguinitatis, aui, vel proaui, de intrusione, vel de facto proprio, per quodcũq; bre, currant damna post impetrationem breuis, contra eos qui tenuerunt per statutum, licet antecessores sui prius inde obierunt seisiti.

¶ Age.3. Cap.2.

¶ De inquisitione faciend̃, q̃ tangit illos q̃ sunt infra etatem, currat statut̃ sine tẽporis limitacione.

3 ¶ De terris alienatis per illos qui tenent ꝑ legẽ Anglie, currat statutũ de hm̃odi t̃ris alienatis post statutum illud publicatum. Eodem modo currat statutum de terris vxoris alienatis per virum vbi finis in cur̃ non est inde leuat̃.

¶ Cessauit. Cap.4.

¶ De terris dimissis ad feodi firmã, reddendo inde per annum quartam ꝑtem veri valoris

valoris earum, currat statutum, tam de terris dimissis ante statut editū, quam post dūmodo tenēs detinuerit vltra duos annos post statutum edit, id quod soluere debuit dimissori per annum, iuxta scripti conuentionis illius.

¶Waste. cap.5.

¶De pena vasti, de omnibus (preterquā de dotibus & custod) intelligat de vastis factis post statut edit. Et de pena tripli in casibus vasti de dotibus et custodijs, intelligat de vastis factis post statut edit.

¶Entre. Cap.6.

¶De his qui alienāt dotem suam intelligat post statut editum.

¶Dat apud Glou die dominica prox post festum diui Petri ad vincul anno, R.R.E 1. sexto.

¶Statutum de religiosis editum Anno. vij. E. primi.

¶Mortmaine. 3. Cap. 1.

Cum dudum prouisum fuerit, q viri religiosi non ingrederentur feoda aliquoz, sine licentia et voluntate capit dnoz feodoz de quibus feoda illa immediate tenenti, & viri religiosi postmod nihilominus tam feoda sua propria, quam aliozum

aliorum hactenus ingressi sunt, ea sibi appropriando, et emendo, & aliqñ ex dono aliorum recipiendo, per quod seruitia q̃ ex huiusmodi feodis debent, et q̃ ad defensionem regni ab initio prouisa fuerint, indebite subtrahuntur, et capitales dñi escaetas suas inde amittunt. Nos sup hoc ꝓ vtilitate regni nostri congruũ volentes ꝓuidere remediũ. de consilio prelatorũ comitũ baroñ & aliorũ fidelium regni nostri de consilio nostro existentium, ꝓuidimus, statuimus, et ordinauimus, quod nullus religiosus, aut ali⁹ quicunq; terras aut tenta aliqua emere vel vẽdere, vel sub colore donationis, aut termini, aut ratione alterius tituli cuiuscunq; terras aut tenementa ab aliquo recipere, aut alio quouismod arte vel ingenio sibi appropriare presumat, sub forisfactura eorundẽ, ꝑ quod ad manum mortuã terre vel tenta huiusmodi deueniant quoquomodo. Prouidim⁹ etiã ꝙ si quis religiosis aut ali⁹ cõtra p̃sens statut aliquo modo arte vel ingenio venir p̃sũpserit, liceat nobis & alijs immediate capit dõis feodi talit alienati illud infra annum a tẽpe alienationis hm̃odi, ingredi & tenere in feodo & hereditate. Et si capit dñus immediate negligens fuerit, et feod hm̃odi ingredi noluerit infra annũ, tũc liceat ꝓximo capit dño immediat feodi illi⁹, infra dimidiũ anñ sequẽtẽ, feod illud ingredi, & tenere sicut p̃d est, Et sic q̃libet capitalis dñs immediate ingredi põt hõi feoda, si ꝓpinquior dñs imed ad ingrediend hm̃odi feoda negligens fuerit

vt

vt predictum est. Et si omnes hm̄odi capitales domini hm̄odi feodi qui plene etatis fuerint, infra quatuor maria, & extra prisonam, p vnum annum & dimidium negligentes fuerint, vel remissi ī hac parte. Nos statim post annum completum a tempe quo huiusmodi emptiones, donationes, vel alios appropriationes fieri contigerit, tras et ten̄ huiusmodi capiemus in manum nostram alios inde feoffabim⁹ per certa seruitia nobis inde ad defentionem regni nostri faciend̄, saluis capital̄ dominis feodorum illorum wardis, releuijs & escaetis, & alijs ad ipsos pertin̄, ac seruicijs inde debit̄ et consuet̄. Et ideo vobis mandamus, qd̄ statutum predictum coram vobis legi & de cetero firmiter teneri & obseruari faciatis. Teste me ipso apud westm̄. xiiij. die Nouembris. Anno regni nostri. vij. &c. | M. C. ca. 36. W. 2. cap. 32. & 33. & W. 3. Annno. 18 E. 1. cap. 4.

¶ Explicit statutum de Relig.

¶ Statutum de Acton Burnel edit̄ Anno. xi. E. i.

¶ Reconisance & statut marchant. Cap. 1.

PUr ceo que merchauntes, queux auant ceux heures ount prests lour auoir as diuers gents, sont chues en pouertie, pur ceo que ils nauoint pas si redy ley purueu, p la quel ils poient lour dettes hastiuemēt recouerer

couerer al iour de la paye assigne, & per icel encheson sont multz des merchants sustretz de vener en cest terre oue lour merchandises as dam̃ as marchants, & de tout le Roialme Le roy per luy, & per tout son counsel, ad ordaine et estable, que merchant que voit estre sure en son det, face vener son dettour deuãt le Maior de Londres, ou de Euerwike, ou de Bristoll', ou deuant le Maior & vn clerke que le roy a ceo attournera, conuser la det, et le iour de paimẽt, soit la reconus. entre en roll' de le maine le dit clerke que serra conue. Ouster ceo le dit clerke face de sa maine lettre obligat', a quel escripture soit mis le seal' le dettour, oue le seale le roy que a t̃ soit purueu, le q̃l seale demurra en le garde del maior & le clerke auantdit.

Et si le dettour ne luy rende al iour que luy est done ou assis, si veigne le creansure al maior et al clerke oue sa lettre oblig. Et si troue soit per rolle ou per letter, que la det fuit conue, & que le ioure assis est passe, le Maior per vieu des prudes homes, mayntenaunt face vendre les meobles du dettour come atteint de la dette, sicome chateux burgages deuisables, iesque a la somme de la dette, et les deniers soient payes al creansour. Et si le Maior ne troue achatour, face p reasonable price liuerer les moebles a creansour, iesque a la somme de la dette en allowaunce de le dette. Et a la vende, et sa liuere des burgages deuisables serra mys le seale le Roye auauntdit, en pardurable tes-

moign̄. Et si le dettour neit moebles en la
poier le Maioz, dont le dette purē estē leue,
eins eit aillours en la realme, donqz maūde
le Maioz desouth le seale le roy auantdit al
Chauncelier la conus. fait deuant luy & la-
uantdit clerke. Et le Chauncelier maunde
brief al biē en que bailg auer moebles le det-
tour. Et le biē face faire gree al creansour p
meisme la forme, que le Maioz le ferroit, si
les moebles le dettour fuissent en son poyer.
Et bien loy gardent ceux, q̄ ont prise les bēs
moebles pur liuerer al creansour, q̄ ils mettēt
reasonable price. Car silz les mettent trop
haute, en fauour del dettour, al dam̄ del cre-
ansour, la chose prise soit liuer a ceux queux
laueront prise pur le price q̄ ils en ont mis, &
maintenant respoign̄ al creansour de sa det.
Et si la dettour voilt dire, q̄ les biens moe-
bles fuerent vendus ou liueres pur meines
q̄ ils ne vailent de ceo ne purē il mie remedye
auoir, p quoy q̄ le maioz ou le vicount eyent
loialment les bēs moebles a celuy q̄ pl⁹ of-
fert vendus, car il purra retier a luy m̄ q̄ a-
uant le iour de la suit poyt ses bēs moebles
auer vendue, & per ses mains les deniers, a-
uoir leue, et ne voillet.

¶ Et si le dettour neit moebles, dōt la det
purē estre leue, donques soit son corps prise
ou que il serra troue, & en prison tenue, tesq
a tant que il eit fait gre, ou ses amis pur luy
Et sil nad, dont il poet estre sustenus en pri-
son, la creansour luy trouera paine et ewe, q̄
ne mourge en prison pur defaute, les q̄x

costages

costages le dettour luy rend oue le det, auāt q̄ il isser del prison.

¶ Et si le creansour soit merchāt estrāg. il demurra al costages le dettour tout le temps q̄ il demurt pur suer sa dette leuer iesque al heure q̄ les biens moebles le dettour soient vendus ou a luy liueres.

¶ Et si le creansour ne se paia pas de la suertie solement le dettour, per que pledges luy soiēt troues ou mainpernors, si les main pernours ou les pledges veign̄ deuaunt le maior et le dit clerk, et soy obligent per escriptur̄ & recognus. sicome auaunt est dit del dettour. En m̄ le manour si la dette ne soyt paia a iour assis, soit fait lexecucion sur les pledges & mainpernours, come auant est dit del dettour. Et eit le creansour recouere sur les pledges & mainpernours come auant est dit del dettour.

¶ Et issint ne pur quant que tanq̄ com̄ la dette puisse estre pleinement leue des biens moebles del dettour en la forme auantdit, les mainpernours ou les pledges ne eyent dam̄mes en defaulte des biens moebles du dettor eit le creansour recouere sur les mainpernours ou sur les pledges en la fourme que auant est dit del dettours &c. Et a susteiner les costages de lauantdit clerke, si prendra le roy de chescune liuer vn denier. Cest establishment voet le Roye que desormes soyt tenus & gard̄ per tout son Roialme de Angliterre, entre quel gēts que c̄ soit, q̄ de lour demesne degree voudrōt cest recognisās fair̄

hors prise Jewes aux q̃ux cest establishmẽt ne se extend pas.

¶ Et per cest establishment ne soit pas brief de det abatus, et ne soient pas le Chauncelier, Barons de leschequer, Barons de lun banke et de lauter, ou Justice errãts forclos de prendre recognusances des dets des ceux que deuant eux voudront faire. Mes lexecucion des recognusances deuant eux ne soient saitz en la forme auantdit, mes per la ley, et les vsages, et les maners auante vses.

Done a Acton Burnel, le xij. iour de October lan de nostre raigne | 11. vid stat de Marcatoribus añ. 13. E. 1. |

¶ Statutum de Westm̃. ij. edit Anno. xiij. E. primi.

Cum nuper dominus rex, in quindena sancti Johannis Bap. anno regni sui vi. conuocatis prelatis, comitibus, baronibus, & consilio suo apud Glos, quia plures de regno suo exheredationem patiebant, eo quod in multis casibus, vbi remedium apponi debuit prius non fuit, per predecessores suos, aut p ipsum remedium prouisum, quedam statuta populo suo vald necessaria & vtilia edidit, per q̃ populus suus Anglicanus & Hibernicus sub suo regimine guberãtus celeriorem iusticiam

ciam, quam prius, in suis oppressionibus cõsecutus est, ac quidam casus, in quibus lex deficiebat remanserunt indeterminati & q̃dã ad reprimend̃ oppressionẽ populi remanserũt statuenda. Dñs rex in parliamento suo, post Pascham, anno regni sui tercio decimo apud Westm̃, multas oppressiones populi, & legum defectus, ad suppletionem dictorũ statutorũ apud Glok̃ editorum recitari fecit, & statuta edidit, vt patebit in sequent̃.

¶Taile I. Cap. I.

¶In primis de tenemẽtis, que multociens dantur sub condicione, videlicet cum aliquis dat terram suam alicui viro, & eius vxori, et hered̃ de ipsis viro & muliere procreatis, adiecta condicione expressa tali. Si huiusmodi vir & mulier sine hered̃ de ipsis viro & mulier̃ procreato obijssent, terra sic data ad donatorẽ, vel ad eius heredem reuertatur. In casu etiam cum quis dat ten̄ alicui in liberũ maritagium, quod donũ hz condicionem annexam, licet non exprimatur in carta doni, q̃ talis est. Quod si huiusmodi vir & muliere sine hered̃ de ipsis viro et muliere procreato obijssent, ten̄tum sic datum ad donatorem, vel ad eius heredem reuertatur. In casu etiam cum quis dat tenementum alicui, & hered̃ de corpore suo exeuntibus, durũ videbat̃, & ad huc videtur, huiusmodi donatoribus et heredibus donatorum, quod voluntas donatorum ipsorum in donis suis expressa: non fuit prius, nec ad huc est obseruata. In omnibus enim predictis casibus post prolem

1 suscitatam & exeuntē ab ipsis quibus teñ sic condicionaliter fuit datum, hucusq; habuerunt huiusmodi feoffati potestatem alienandi teñ sic datum, & exheredandi exitum eorū contra voluntatē donatorum, & contra formam in dono expressam. Et preterea cū deficiente exitu de hm̄od̄ feoffatis, teñ sic datum ad donatorem, vel|ad| eius heredes reuerti debuit per formā in charta de dono hm̄odi expressā, licet exitus (si quis fuerit) obiisset| p factum|tamen|& feoffamentum eorum, q̄bus teñ sic fuit datū sub condicione, exclusi fuerūt hucusq; de reuersione eorundē tñtorū, q̄ manifeste fuit contra formā doni. Propter quod dñs rex perpendens, qd̄ necessariū & vtile est in predictis casibus apponere remediū, statuit quod voluntas donatoris, secundū formā in charta doni sui manifeste expressam, de cero obseruetur, ita quod non habeant illi, quibus teñ sic fuit datum sub conditione, potestatem alienandi teñ sic datum, quo minus ad exitum illorum, quibus teñ sic fuerit datum remaneat post eorum obitum, vel ad donatorem, vel ad eius heredem (si exitus deficiat) reuertatur, per hoc quod nullus sit exit⁹ omnino, vel (si aliquis exitus fuerit, et p mortem deficiet) herede de corpore huiusmodi exitus deficiente. Nec habeat de cetero secun-

2 dus vir huiusmod̄ mulieris aliquid in teñ sic dato per condicionem, post mortem vxoris sue, per legem Anglie: nec exitus de secundo viro et muliere successionem hereditariam: sed statim post mortem viri et mulieris, qui-

bus

4: c. 6. tom 136 Broch: tenx pdlx extendet ad ysne:

bus teñ ſic fuit datum, poſt eorum obitum ad 3
eorum exitum, vel ad donatorem, vel ad ei⁹
heredem (vt predictum eſt) reuertatur. Et
quia in nouo caſu nouum remedium eſt ap-
ponendum: fiat impetranti tale breue. Pre-
cipe A. quod iuſte ꝛc. reddat B. tale mane-
rium cum pertineñ, quod C. dedit tali viro, ꝫ
tali mulieri, ꝫ heredi de ipſis viro ꝫ muliere
exeuntibus: vel quod C. dedit tali viro in li-
berum maritagium, cum tali muliere, et qñ
poſt mortem predictorum viri ꝫ mulieris
predicto B. filio eorundem viri ꝫ mulieris
diſcendere debet per formam donationis pre-
dicte, vt dicit: vel quod C. dedit tali ꝫ heredi
de corpore ſuo exeuntibus, ꝫ quod poſt mor-
tem ipſius talis, predicto B. filio predicti
talis diſcendere debet per formam donatio-
nis ꝛc. Breue per quod donator habet recu
perare deficiente exitu, ſatis eſt in vſu in can-
cellaria. Et ſciendum eſt quod hoc ſtatutum
quoad alienationem tenementi contra for-
mam doni impoſterum facienꝺ, locum habe-
at, et ad dona prius facta non extendatur. Et
ſi finis ſuper huiuſmodi teñ impoſterum le-
uetur, ipſo iure ſit nullus. Nec habeat here-
des huiuſmodi, aut illi ad quos ſpectat re-
uerſio (licet fuerunt plene etatis, in Anglia,
et extra priſonam) neceſſe apponere clameñ
ſuum.

¶Repleuine. 2. Cap 2

¶Quia domini feodorum diſtringentes
tenentes ſuos, proſeruicijs ꝫ conſuetudi-
nibus ſibi debitis, multociens grauantur

per hoc, quod |cum| tenentes ſui diſtrictionē ſuam per bꝛeue, vel ſine bꝛeue, replegiauerint ac cum ipſi domini (ad querimoniam tenentium ſuoꝝ) ad cōm, vel ad aliam curiā habentem poteſtatem placitandi placita de vetito namio per attachm̄ venerint, & rationabilem et iuſtam diſtrictionem aduocauerint, per hoc quod tenentes diſaduocant nihil tenē nec clāmant tenere de eo qui diſtrictionem fecit, et aduocauit, remanſit ille qui diſtrinxit in miſericoꝛdia, & tenentes ſui quieti, quibus pꝛo illa diſaduocatione per recoꝛdum cōm, ſiue aliarum curiarū, que recoꝛdum non habent, pena infligi non poteſt. De cetero pꝛouiſū eſt & ſtatutū, q cū hm̄odi dñi in cōm vel hm̄odi curia, iuſticiā de hm̄odi tenentibus ſuis conſequi nō poſſint, quam cito attachiati fuerint ad ſectam tenentium ſuoꝝ, concedatur eis bꝛeue ad ponendum loquelam |illam| coꝛam Juſticiarijs, coꝛam quibus (et non alibi) iuſticia hmuſmodi dominis exhiberi poterit, & inſerat cauſa in bꝛeui, quia talis diſtrinxit in feodo ſuo pꝛo ſeruic̄ & conſ. ſibi debitis. Nec per iſtud ſtatutum derogat legi communi vſitate, qō non permiſit aliquod placitum pon coꝛam iuſtic̄ ad petitionē defendent: quia licet pꝛima facie videatur tenēs actoꝛ, & dominus defendens, habito tamē reſpectu, ad hoc quod dominus diſtrinxit, et ſequit pꝛo ſeruicijs et conſ. ſibi a retro exiſtēn realiter apparebit potius actoꝛ, ſiue querēs, quam defendens. Et vt in certo ſint Juſtic̄, de qua recenti ſeiſina poterint domini aduoca

re rationabilem districtionem super tenentes suos de cetero concordatum est, quod rationabilis districtio poterit aduocari de seisina antecessorum vel predecessorum suorum, a tempore quo breue nouę disseisine currit, | vide W.I.ca.38.| Et quia aliquando contingit, q̄ tenens postquam replegiauerit auer̄ia sua, auer̄ia illa vendit vel elongat, quo minus retornum possit fieri domino distringenti, si adiudicetur. Prouisum est, quod vic̄, vel ballini de cetero non recipiant a conquerentibus solummodo plegios de prosequendo, antequam deliberatione̅ faciant de auer̄ijs, sed etiam de auer̄ijs retornandis, si adiudicet retornum. Et si quis alio modo plegios ceperit, respondeat ipse de precio auer̄iorum. Et habeat dominus distringens recuperare per breue, q̄ reddat ei tot auer̄ia, vel tot catalla. Et si non habeat ballinus vnde reddat, reddat superior suus Et quia aliquando contigit, quod postquam adiudicatum fuerit distringenti retornum auer̄iorum, & sic districtus, postquam auer̄ia sic retornata iterum replegiauerit, cum viderit distringentem comparentem in curia paratum sibi respondere, defaltam fecerit, ob quam iterum readiudicabitur distringenti retornum auer̄iorum, & sic bis vel ter & infinitis replegiabuntur auer̄ia, nec habebunt iudicia curie regis in hoc casu effectum, super quo nō fuit prius remedium prouisum: Ordinatum est in hoc casu talis processus, quod quamcito adiudicatum fuerit retornum auer̄iorū distringenti, per breue de iudicio, mandetur vic̄ quod

quod retornum habere faciat distringenti de auerijs, in quo breui inseratur, quod vic' ea non deliberet sine breue: in quo fiat mencio de iudicio per iustic' reddit': quod fieri non poterit, nisi per breue quod exeat de rotulis Iustic', coram quibus deduct' fuerit loquela. Cum igitur districtus adierit iustic', & petierit aueria sua iterum sibi replegiari, fiat ei breue de iudicio, quod vic' (capta securitate de prosequendo, et etiam de auerijs seu catallis retornandis, vel eorum precio, si adiudicetur retornum) deliberet ei aueria, vel catalla prius retornata: et attachietur ille qui distrinxit, ad veniendum ad certum diem coram iustic', coram quibus placitum deducatur in presentia partium. Et si iterato ille, qui replegiauerit auer[illegible], fecerit defaltam, vel alia occasione adiudicetur retornum districtionis iam bis replegiatum, remaneat districtio illa in perpetuum irreplegiabilis. Sed si de nouo, et de noua causa fiat districtio, de noua districtione seruetur processus suprad[illegible]tus.

¶ Cui in vita. I. Cap. 3.

¶ In casu quando vir amiserit per defaltam ten', quod fuit ius uxoris sue, dum' fuit q̄ uxor post mortem viri non habuerit aliud recuperare quā p breue de recto. Propter q̄ dns rex statuit, q̄ mulier post mortem viri sui habeat recuperare per bē de ingressu, cui ipsa in vita sua contradicere nō potuit quod in forma subscripta erit placitand'. Si contra peticionem mulieris teneng excipiat, q̄

qō habueit ingressum per iudicium et compertum fuerit, quod per defaltam, ad qō tenens necesse habet respondeꝛ, si ab eo querat tunc viterius habet necesse ostendere ius suū secundū formam breuis, qō prius impetrauit super virum ꝫ vxorem. Et si verificare poterit, quod habuerit, vel habet ius in teñ petito, nihil capiat mulier per breue suū: Quod si ostendere non poterit, recuperet mulier teñ petitum, hoc obseruato, quod si vir absentauerit se, ꝫ noluerit ius vxoris sue defendere, vel in vita vxore sua reddere voluerit si vxor ante iudicium venerit, parata petenti respondere, ꝫ ius suum defendere, admittatur vxor. Eodem modo si tenens in dotem per legem Anglie, vel aliter ad terminum vite vel per donum in quo reseruatur reuertio, fecerit defaltam, vel reddere voluerit, admittantur heredes, vel illi ad quos spectat reuersio, ad responsionem, si venerint ante iudicium Et si per defaltam, vel reddicionem reddat iudicium, tunc habeant heredes, vel illi ad quos spectat reuersio, post mortem huiusmodi tenentium, recuperare per breue de ingressu: in quo obseruetur idem processus, sicut predictum est in casu vbi vir amittit per defaltam teñ vxoris sue. Et sic in casibus predictis due concurrunt actiones: vna inter petentem et tenentem, ꝫ alia inter tenentem ius suum ostendentem ꝫ petentem. vide 20. E. 1 defensio iuris.

¶Dower. 3. Cap. 4.

¶ In casu quando vir implacitatus de teñ

ten reddit tenementum petitum aduerſario ſuo de plano, poſt mortem viri, iuſticiarij adiudicent mulieri dotem ſuam, ſi per breue petat. Sed in caſu quando vir amittet per defaltam tenementum petitum, ſi mulier poſt mortem viri petat dotem, & compertum eſt, quod per aliquos Juſtic adiudicata fuit dos mulieri petenti, non obſtante defalta, quã vir ſuus fecit alijs Juſtic in contraria opinionem exiſtentibus, & contrarium iudicantibus, vt de cetero huiuſmodi ambiguitas amputetur & ſit in certo: Ordinatum eſt quod in vtroque caſu audiatur mulier, que dotem petit. Et ſi excipiatur contra ipſum, quod vir ſuus ten, vnde dos petita eſt, amiſit per iudicium, per quod dotem habere non debet, & ſi ita per quod iudicium et compertum fuerit quod per defaltam, ad quod tenens neceſſe habet reſpondere, tunc oportet tenentem vlterius reſpondere, & oſtendere quod ipſe tenens ius habuit, & habet in predicto ten, ſecundũ formam breuis, quod tenens prius ſuper virum impetrauit. Et ſi oſtendere poterit, quod vir mulieris non habuit ius in ten, nec aliquis alius quam ipſe qui tenet: recedat quietus, & vxor nihil capiat de dote. Quod ſi oſtendere non poterit, recuperet mulier dotem ſuam. Et ſic in caſibus iſtis, et in quibuſdam caſibus ſubſequentibus. quando vxor dotata amittit dotem ſuam per defaltam, et tenentes in libero maritagio per legem Anglie, vel ad terminum vite, vel per feodum talliatum, concurrunt plures actiones. Quia huiuſmodi

tenentes

tenentes, cum oporteat eos petere tenementa sua per defaltam amissa, et cum ad hoc perventum fuerit, quod tenens necesse habet ostendere ius suum, non possunt ipsi, sine his ad quos spectat reuersio, de iure respondere: et ideo concedatur eis, quod vocent ad warrãt secundum tenorem breuis, ac si essent tenentes in priori breui warrant habeant. Et cũ warrantus warrantizauerit, procedat placitum inter illum qui seisitus est, et warrantũ secundum tenorem breuis, quod tenens prius impetrauit, et per quod recuperauit per defaltam. Et sic ex pluribus actionibus ad vltimũ perueniat ad vnum iudicium, videlicet ad hoc quod huiusmodi petentes recuperent petitionem suam, vel quod tenentes sint quieti. Et si actio huiusmodi tenentis, qui necesse habet ostendere ius suum, mota fuerit p breue de Recto, licet Magna assisa, vel duellum iungi nõ possũt p verba cõsueta, iungi tamẽ possunt per verba satis apta. Quia cum tenens in hoc quod ostendat ius suum, quod ei competet per breue quod prius impetrauit et sit loco actoris, bene poterit warrant defendere ius tenentis, qui loco petentis (vt dictum est) habet et seisinam antecessoris sui offerre et defendere per corpus liberi hominis sui, vel ponere se in magnam assisam, et peteẽ inde recognitionem fieri, vtrum ipse maius ius habeat in tenemento petito, an predictus talis, vel alio modo iungi poterit magna assisa, et sic talis warrant defendẽ ius &c. Et cognoscit seisinam antecessoris sui et ponit se

in

in magnam assisam &c & petit recognitionem fieri, vtrum ipse maius ius habeat in predicto tenemento, vt in illo de quo feoffauit] talem, vel quod talis remisit & quietum clamauit &c. an predictus talis &c. Cum aliquando contingat, quod mulier non habens [ius] petendi dotem hereditatis heredis alicuius infra etatem existen, impetret breue de dote super custodem & custos per fauorem mulieris dotem reddiderit, vel defaltam fecerit, vel placitum ita fiet per collusionem defenderit, per quod dos huiusmodi muliери (in preiudicium heredis) adiudicata fuerit: prouisum est quod heres, cum ad etatem peruenerit habeat actionem petendi seisinam antecessoris sui versus huiusmodi mulierem, qualem haberet versus quemcunque alium defforciatorem, ita tamen quod salua sit mulieri versus petentem excepcio ostendendi, quod ius habet in dote sua, quod si ostendere poterit, recedat quieta, & dotem suam retineat, & sit heres in misericordia, & amercietur grauiter secundum discretionem Justiciariorum. Sin autem, recuperet heres peticionem suam. Eodem modo subueniatur mulieri, si heres vel alius eam implacitauerit de dote sua, si dotem suam per defaltam amiserit. In quo casu sua defalta non sit ei ita preiudicialis, quin dotem suam (si ius habeat) recuperare possit, & fiat ei tale breue. Precipe N. quod iuste &c. reddat tali, que fuit uxor talis tantam terram cum pertinencijs in C. quam clamat esse rationabilem dotem suam vel de rati-

rationabili dote sua, & quam predictus talis ei deforceat. Et ad istud breue habeat tenens excepcionem suam, ad ostend̄, quod mulier ius non habet in dote. Quod si verificare poterit, recedat quietus, alioquin recuperet mulier ten̄, quod prius tenuit in dote. Et cum temporibus retroactis aliquis amisisset terram suam per defaltam, non habuit aliud recuperare quam per breue de recto, qd̄ eis cōpetere non potuit, qui de mero iure loqui nō potuerunt, veluti tenentes ad terminum vite, vel per liberum maritagium, vel per feodum talliatum, in quibus casibus saluatur reuersio. Prouisum est quod de cetero nō sit eorum defalta eis ita preiudicialis, quin statū suū (si ius habeant) recuperare possint ꝑ aliud breue quam per breue de recto. De maritagio amisso per defaltam fiat tale breue. Precipe A quod iuste &c. reddat B. manerium de C. cum pertin̄, qd̄ clamat esse ius, et maritagium suum, & qd̄ predictus A. ei deforc̄. Eodem modo de ten̄to ad terminū vite per defaltam amisso, fait tale breue. Precipe A. qd̄ iuste &c. reddat B. manerium de C. cū partin̄, quod clamat tener̄ ad terminum vite sue, et quod predictus A. ei deforceat. Similiter quod clamat tener̄ sibi & hered̄ suis de corpore suo legitime procreatis, & qd̄ predict⁹ A. ei deforc̄ &c.

¶ Auowson. I. Cap. 5.

Cum de aduocationibus ecclesiarum non sint nisi tria breuia originalia, videlicet breue de recto, & duo de possessione, scz vltime pre=

Hugue recordo damagz in quare impedit pte estatute
1. eliz. 230. 10.

presentationis, & quare impedit & hucusque vsitatum fuerit in regno, qd̄ cum aliquis ius presentandi non habens presentauerit ad aliquam ecclesiam, cuius presentatus sit admissus, ipse qui verus est patronus, per nullum aliud breue recuperare potuit aduocationem suam, quam per breue de recto quod habet terminare per duellum, vel per magnam assisam per quod heredes infra etatem existen̄ p̄ fraudem et negligentiam custodum, heredes etiā siue maiores, siue minores per negligentiam vel fraudem tenētium per legem Anglie, vel mulierum tenentium in dotem, vel alio modo ad terminum vite, vel annorum, vel per feodum taliatum, multociens exheredacionem patiebantur de aduocationibus illis, vel ad minus (quod eis melius fuit) ponebantur ad breue de recto, & in casu omnino exheredati fuerunt hucusque. Statutum est quod huiusmodi presentationes non sint huiusmodi rectis heredibus, aut illis ad quos post mortem aliquorum huiusmodi aduocationes reuerti | debent, | ita preiudiciales quin quotienscunque aliquis ius non habens, tempore huiusmodi custodiarum presentauerit, vel tempore tenentium in dote, p̄ legē Angl̄, vel alio modo ad terminum vite, vel annorū vel per feodum talliatum, in proxima vacacione, postq̄ heres ad etatem peruenerit, vel aduocatio post mortem tenentium in forma predicta ad heredē plene etatis existen̄ reuertet̄, habeat eandem actionem & recuperationem per breue de aduocatione possessorium qualem

qualem haberet vitim⁹ anteceſſor huiuſmodi heredis plenam hñs etatem. in vltima vacatione tempore ſuo accidente ante mortem ſuam, vel antequam dimiſſio facta fuerit ad terminum, vel ad feodum talliatum, vt predictum eſt. Hoc idem obſeruetur de preſentationibus factis ad eccleſias de hereditate priorum, tempore quo fuerunt ſub proteſtate priorum ſuorum, quibus per iſtud ſtatutum ſubueniat, per remediū ſuprадictum. Viris etiam religioſis, epis, archidiaconis, rectoribus eccleſiarum, et alijs perſonis eccleſiaſticis per iſtud idem ſtatutum ſubueniatur, ſi aliquis ius ꝓſentādi non habens preſētauerit ad eccleſias domus ſiue prelatie, dignitati aut perſonatui ſpectantes, tēpore quo vacauerint prelatie dignitatis, aut perſonat⁹ huiuſmodi nec tamen ita large intelligat iſtud ſtatutum, quod, perſone, ad quorum remedium ſtatutum iſtud eſt editum, habeant recuperare ſuprадictum, dicentes quod cuſtodes, tenentes in dotem, per legem Anglie, vl alias ad terminum vite, vel annorum vel viri ficte defenderint placitum per ipſos vl contra ipſos motum, quia iudicia in cur̄ regis reddit p iſtud ſtatutum non adnihilentur ſed ſtet iudicium in ſuo robore, quouſq; per iudicium curie |regis| tanquam erroneū (ſi error inueniatur) adnulletur, vel aſſiſa vltime preſentationis, vel inquiſicio per quare impedit ſi tranſierit per attinctam, vel p certificationem adnulletur, que gratis cōcedat. Et de cetero vna forma placitandi in hūbus

ultime presentationis, & quare impedit, inter iustic̄ obseruetur, quo ad hoc quod si pars rea excipiat de plenitudine ecclesie per suam propriam p̄sentationem, non propt̄ illam plenitudinem remaneat loquela, dummodo bre infra temp⁹ semestre impetretur, quāq̄ infra tempus semestre presentationem suā recuperar̄ nō possit. Et cum aliqñ inter plures clamantes aduocationē alicui⁹ ecclesie pax fuerit formata int̄ partes, & irrotulata corā iusticiarijs in rotulo, vel in fine sub hac forma quod vnus primo presentet, & in sequenti vacatione alius, & in tertia tertius, & sic de pluribus, si plures sint. Et cum vnus p̄sentauerit, et habuerit suam presentationē, quam habere debet per formam conuentionis illius, et in proxima vacatione impediatur ille ad quem spectat sequens presentatio per aliquem qui fuit pars illius conuentionis, vel loco eius: statutum est quod de cetero non habeat huiusmodi Impeditus necesse perquirere breue de Quare impedit, sed habeat recursum ad rotulum, vel ad finem. Et si in rotulo, vel in fine comperta fuerit p̄dicta pax, vel conuentio, mandetur vic̄, qd̄ scire faciat parti impedienti, quod sit ad aliquem breuem diem continentem spacium .xv. dierum, vel trium septimanarum, secundum qd̄ locus est propinquus vel remot⁹, ostens. (si quid sciat dicere) quare sic impeditus talē presentationem suam habere non debeat. Et si non venerit, vel forte venerit, et nihil sciat dicere, quare sic impeditus presentationem suam

5. le roy p quare impedit plenarie nē ple pers. lib. 4. sh. tom 244. a. 43. & 3. 14.

suam habere non debeat ratione alicui⁹ facti
post pacem factam, vel irrotulatã, vel chiro-
graphatam, recuperet ꝓsentationem suam
cum damnis suis. Et cum contingat quod
post mortem antecessoris sui, qui ad aliquã
ecclesiam ꝓsentauit personam, assignata fu-
erit illa aduocatio in dotem alicuius mulie-
ris, vel tenentt per legem Anglie, et tenen-
tes in dotem, vel tenentes per legem Anglie
ꝓsentauerint, et verus heres post mortem
huiusmodi tenentium per legem Anglie, vel
in dotem, impediatur ꝓsentare, cũ ecclesia
vacauerit. Prouisum est, quod de cetero sit
in electione impediti, vtrum ꝓquirere velit ꝑ
breue de Quare impedit, vel vltime ꝓsenta-
tionis. Hoc etiam de cetero obseruetur ꝙ ad-
uocationibus dimissis ad terminũ vite, vel
annorũ, vel ad feoꝫ talliat. Et de cetero in
breuibus vltime ꝓsentationis, & Quare im-
pedit, adiudicent damna, videlicet si tempus
semestre transierit ꝑ impedimentum alicui⁹,
ita quod epꝰ ecclesiam cõferat, & verus pa-
tronus ea vice ꝓsentationem suam amittat,
adiudicentur damna ad valorem ecclesie de
duobus annis. Et si tempus semestre non
transierit, sed dilrationeꝫ ꝓsentatio infra tẽ-
pus predictum, tunc adiudicentur damna ad
valorem medietatis ecclesie ꝑ vnum annum.
Et si impeditor nihil habeat, vnde restituere
possit damna, in casu qñ epꝰ cõfert [ecclesie]
ꝑ lapsum temporis puniatur ꝑ prisonam duo-
rũ annoꝫ. Et si aduocatio dilrationeꝫ infra
tempus semestre, puniatur tñ impeditor per

prisonam dimidij anni. Et de cetero cōcedāt breuia de capellis, prebendis, vicarijs, hospitalibus, abbatijs, prioratibus, & alijs domibus que sunt de aduocationibus aliorum, q̄ prius concedi non consueuerunt. Et cū per breue indicauit, impeditur rector alicuius ecclesie, ad petendō decimas in vicina parochia, habeat patron⁹ rectori sic impediti breue ad petendō aduocationem decimarum petitarum Et cum distrationatum fuerit, procedat post modum placitum in curia Christianitatis, quatenus distrationat fuerit in cur̄ regis. Cū aduocatio descendat perticipibus, licit vnus bis presentet, et vsurpet super coheredem, nō ppter hoc exclusus sit ille in toto q̄ fuit negligens, sed alias habeat turnū suū p̄sentādi cum acciderit.

¶ Voucher. 4. Cap. 6.

¶ Cum quis petat ten̄ versus alium, et implacitatus vocauerit ad warrant, & warrantus dedicat warrantiam, et diu pendeat placitum inter tenentem et warrantum, cū ad vltimum conuincatur, quod vocatus ad warrantum warantizare tenetur p̄ legem et cons. hactenus vsitat, non fuit ante alia pena inflicta vocato, qui warantiam dedixit, nisi tamen quod warantisaret. et esset in mia quia prius non warantisauit, quod durū fuit petēti quia multociens per collusionem inter tenentem et warrantū magnas sustinuit dilationes. Propter quod dominus rex statuit, quod sicut tenens amitteret ten̄ petitum si vocasset ad warantum, et warantus si

posset

posset deuoluere de warantia, eodem modo amittat warantus si warātiā dedicat, & cōuincat quod warantizare debeat. Et si inquisitio pendeat int̄ tenentē et warantum, & petens petat breue ad faciendū venire iuratā, concedatur ei &c.

¶Admesurement de dower. 1. Cap. 7.

¶Custodi de cetero concedatur br̄e de admēsuratione dotis. Nec per sectam custodis sr̄fiete et per collusionem sequatur, v̄s⁹ mulierē tenentem in dotem, p̄cludatur heres cū ad etatē ꝑuenerit ad dotem admensurandā, secundum quod ꝑ legem Anglie fuit admensurandū. Et tam in isto breui, quam in breui de admensuratione pasture, celerior quā pri⁹ de cetero sit processus, ita quod cū peruentū fuerit ad magnā districtionem, dent̄ dies, infra quos duo com̄ teneantur, ad quos publica fiat proclamatio, qd̄ defendens veniat ad diem in breui contentum querenti respōsur̄. Ad quem diem si venerit, procedat placitū inter eos, et si nō venerit, et proclamatio supradicto modo par vic̄ testificata fuerit, ꝓcedatur per defaltam ad admensurationem faciendam.

¶Admesurement de pasture. 1. Cap. 8.

¶Cum per placitum motum per br̄e de admensuratione pasture, pastura fuerit admensurata aliqñ coram iustic̄, aliqñ in com̄ coram vic̄ multotiens contingit, quod post |huiusmodi| admensurationem actam, iterū ponit ille, qui primo superoneraui pasturā, plura animalia quam ad ipsum pertinet habend̄,

bend, nec super hoc hucusq; prouisum fuisset remedium statut est quod de secunda superoneratione fiat remedium conq̃renti sub hac forma, quod conquerens habeat breue de iudicio, si coram iustic̃ admensurata fuerit pastura, quod vic̃ in p̃sentia partium p̃monitarum (si interesse voluerint) inquirat de scd̃a suponeratione. Que si inuenta fuerit, mandet̃ iustic̃ sub sigillo vic̃, & sigillis iuratorũ, & iusticiarij adiudicent conquerenti dãna, et ponant in extractis valorẽ animaliũ que suponerant post admensurationẽ factã, posuit in pastura, vltra quod debuit, et extractas liberent baronibus de scaccario, vt inde respondeãt dño reg. Si in com̃ facta fuerit admensuratio, tunc ad instantiam q̃rentis exeat breue de cancellaria, quod vic̃ inquirat super huiusmodi superoneratione, & de auerijs positis in pasturam vltra debitũ numerum, vel de precio domino regi ad scaccariũ suum rñdeat. Et ne vic̃ fraudem faciat dño regi in isto casu, concordatũ est, qd̃ omnia huiusmodi breuia de secunda superoneratione, q̃ exeunt de cancellaria irrotulentur, et in fine anni mittant̃ transcripta ad scaccarium sub sigillo Cancellarij, vt videant thesaurarius & barones de scaccario qualit̃ vic̃ rñdeat de exitibus hm̃odi br̃ium. Eodem modo irrotulentur br̃ia de reddisseisina, et mittantur ad scaccarium in fine anni.

¶ Mesne. I. Cap. 9.

¶ Cum capitales dñi distringunt feodũ suum pro consuetudinibus, et seruicijs sibi debitis

debitis, et medius ſit qui tenentem acquietare debeat, cum non iaceat in oze tenentis poſtquam diſtriccionem replegiauerit, dedicere demandam capitalis domini ſui.qui ad uocat in cur̄ regis iuſtam diſtriccionem fieri ſuper tenentem ſuum, vcz ſuper medium, multi ꝙ huiuſmodi diſtricciões hucuſqz grauati extiterunt,per hoc quod medius (licet haberet ꝙ quod diſtringi poſſet) magnas fecit dilationes anteq̄ ad cur̄ venerit ad reſpō dend̄ huiuſmodi tenentibus ſuis ad bzeue de medio,ꝙ hoc etiam quod durius fuit in caſu q̄n medi⁹ nihil habuit, in caſu etiā cū tenēs paratus eſſet facere capitali domino ſeruicia et conſuetudines exactas, et capitalis dn̄s ſeruicia et conſ.ſibi debitas renuebat percipere per manum alterius quam per manum pzoximi tenentis ſui,et ſic amiſerunt hm̄odi tenentes in dominico pzoficuum terrarum ſuarum aliq̄n ad tempus aliq̄n toto tempoze ſuo,nec fuit antea aliquod remedium in hoc caſu pzouiſum. Ozdinatum eſt et pzouiſum in hoc caſu remedium in poſterū ſub hac fozma,ꝙ quam cito hm̄odi tenens in dominico habens medium inter ipſum ⁊ capitalē dominum diſtringitur , ſtatim perquirat ſibi tenens bzeue de medio. Et ſi medius habens terrā in eodem com̄ diffugerit vſqz ad magnam diſtriccionem,detur querenti in bñ ſuo de magna diſtriccione talis dies,ante cuius aduentum duo com̄ teneantur,⁊ pzecipiatur diſ quod diſtringat medium per magnā diſtriccionem, pzout in bzeui continetur . Et

nihilominus vic̄ in duobus plenis com̄ solē-
niter ꝓclamare faciat, quod huiusmodi me-
dius veniat ad diem in breui content̄, respō-
surus tenenti suo. Ad quem diem si venerit,
procedat placitum inter eos modo conficto.
Et si non venerit huiusmodi medius, amit-
tat seruicium tenentis sui, & amodo nō res-
pondeat ei tenens in aliquo, sed (omisso illo
medio) respondeat capitali domino de eisd̄
seruicijs et cons. que prius facere debuit pre-
dictus medius. Nec habeat capitalis domi-
nus potestatem distringēdi | tenentes in do-
minico | dum predictus tenens offerat ei ser-
uicia debita et consueta. Et si capitalis do-
minus exigerit plus quam medius ei facere
deberet, habeat tenens in hoc casu exceptio-
nem | vers⁹ dominum quam haberet medi⁹.
Si vero medius nihil habuerit in potestate
regis: nihilominus perquirat tenens breue
suum de medio, ad vic̄ illius com̄ in quo dis-
tringitur. Et si vic̄ mandauerit, quod medi⁹
nihil habeat vnde potest summoneri, nihilo-
minus sequatur breue de attachiamento. Et
si vic̄ mandeuerit, quod nihil habet ꝑ quod
potest attachiari, nihilominus sequat̄ breue
de magna districtione et fiat proclamatio in
forma predicta. Si vero medius non habeat
terram, in com̄ in quo fit districtio, sed habe-
at terram in alio com̄, tunc exeat breue origi-
nal' ad summonend̄ medium, ad vic̄ illi⁹ com̄
in quo fit districtio. Et cum testificatum fu-
erit per illum vic̄, quod nihil habet in com̄
suo, exeat breue de iudicio ad sum̄ medium,

ad

ad diē, illius coīm, in quo testificat fuerit qō habet teñ, et fiat secta in illo coīm, quousqꝫ ꝓueniatur, ad magnam districtionem et ꝓclamationem, sicut dictum est supra de medio habente terram in eodem coīm in quo fit districtio. Et nihilominus fiat secta in coīm in quo nihil habet (sicut dictum est supra de medio nihil habente) quousqꝫ perueniatur ad magnam districtionem, et ꝓclamationem, et sic post ꝓclamationem in vtroque coīm factam ab iudicetur medius de feodo & seruicio suo. Et cum aliqñ cōtingat, quod tenēs in dominico feoffatus est, ad tenendū de medio per minus seruicium quam medius facere debuit capitali domino, cum post huiusmodi ꝓclamationem attornatus sit tenens capitali domino, medio omisso, necesse habet tenens respondere capitali domino de seruicijs & consuet. que medius ei ꝓius facere debuit, et postquam medius venerit in cur̄, & cognouerit, quod acquietar̄ debet tenentem suum, vel adiudicetur ad acquietandū, si post huiusmodi cognitionem aut iudicium querimonia perueniat quod medius non acquietat tenentem, tunc exeat breue de iudicio, qō vic̄ distringat medium ad acquietandū tenentem, & ad ostendū coram iustic̄ ad certum diē, ad ostendendū quare ꝓius eum non acquietauit. Et cum per districtionem venerit, audiatur querens. Et si querens verificare poterit, qꝫ ipsum non acquietauit, satisfaciat de damnis, et per iudicium recedat tenens quietus de suo medio, et attorneturꝫ capitali

domino

domino. Et si ad primam districtionem non venerit, exeat bre de alia districcione, & fiat pclamatio, et post quā testificat fuerit pcedatur ad iudicium, sicut superius dictū est, Et sciendum est, quod per hoc statutū non excluduntur tenentes, quin habeant warantiam, si de tenemētis suis implacitent, super medios suos et eorum hered, secund ꝙ pri⁹ habuerunt, nec etiam excludūtur tenentes, quin sequi possunt versus medios suos, secūdū consuetudinē pri⁹ vsitatā, si viderint qd processus eorum plus valeat per antiquam cons. quam per istud statutum. Et sciendum est, quod per istud statutum non prouidetur remedium quibuscunque medijs, sed solum modo in casu cum sit vnus medi⁹ tm, int dominum distringentem et tenentem, & in casu qn medius ille est plene etatis, et in casu qn tenens sine preiudicio alterius quam medij attornare se potest capitali domino, qd dictum est pro mulieribus tenentibus in dotē, et tenentibus per legem Anglie, vel aliter ad terminum vite/vel/ per feodum talliatum, quibus pro aliquibus causis nondum est pnisum remedium, sed (deo dante) alias prouidebitur.

¶ Iustices en eyre. 3. Cap. 10.

¶ Cum in itinere iustic pclamatū fuerit, quod omnes qui brīa liberare voluerint, ea liberent infra certum terminum, post quem nullum breue recipiatur, multi de hoc confidentes, cum moram fecerint vsque ad pdictum terminū, et nullū bre super eos fuerit

liberatū

liberatū, de licentia iustic̄ recedūt, post quorum recessum aduersarij sui ipsorum absentiam percipientes, bzeuia sua porrigunt in cera, que aliqñ p fauorem, aliqñ p dono p vicecomitem recipiūtur, et illi, qui secure credebant recessisse, teñ sua amittunt, vt huiusmodi fraudi subueniatur imposterū statuit dominus rex, quod iustic̄ in itineribus suis statuant kminū quindene, vel mēsis, minoris vel maioris kmini, scōz quod com̄ fuerit maior vel minor, infra quem terminū public̄ proclametur, quod omnes q̄ bzeuia liberare voluerint, ea libercnt infra terminum illum. Et in aduēt u illi⁹ termini certificet vic̄ capitali iustic̄ itinerāti, quot bc̄ia habet, & que et quod vltra illum terminum nullum bc̄e recipiatur: quod si receptum fuerit, proces⁹ per illud factus pro nullo habeatur: excepto quod bzeue cassatum durante toto itinere relevari poterit. Bzeuia etiam ō dote de viris qui obierint |al' seisiti| infra summonitionē itineris, assise vltime presentationis, & quare impedit de ecclesijs vacantibus, infra summonitionem predictam, quocunque tempore ante recessum iustic̄ recipiantur in itinere. Bzeuia etiam noue disseisine, quocunqz tēpore facta fuerit disseisina, recipiantur in itineribus iustic̄.

¶ Attourney. 2.

¶ Concedit dñus rex de gratia speciali, qō illi qui habent teñ in diuersis com̄, in quib⁹ iustic̄ itinerant, vel de quibusdā teñ in com̄ in quo iustic̄ nō itinerant timent implacitar̄,

et

et de alijs ten̄ in com̄, in quo iustic̄, non itinerant, implacitentur: vt coram iustic̄, apud Westm̄, vel de banco domini regis, vel coram iusticiarijs ad assisas capiēdas assignatis, vel in aliquo com̄ corā vic̄, vel in aliqua cur̄ baron̄, facere possint generalem attornat̄ ad prosequendum pro eis in omnibus placitis in itinere iustic̄ pro ipsis vel contra ipsos motis vel mouendis, durante itinere. Qui quidem attornatus, vel attorn̄, habeat potestatem in placitis motis in itinere quousq; placitum terminetur, vel dominus suus ipsum amouerit, nec per hoc excusentur, quin sint in iuratis, et assisis coram eisdem iustic̄.

¶ Accompt. 2. Cap. 11.

¶ De seruientibus, balliuis, camerarijs, & quibuscunq; receptoribus, qui ad compotum reddend̄ tenentur, concordat̄ est & statutum, quod cum dominus huiusmodi seruiunt̄ dederit eis auditores compoti, et contingat ipsos esse in arreragijs super compotum suum omnibus allocatis, et allocand̄, arrestentur corpora eorum, et per testimonium auditorū eiusdem compoti mittantur et liberent̄ prime gaole domini regis in partibus illis et a vic̄ seu custode eiusdem gaole recipiantur, et carceri mancipentur in terris, et sub bona custodia, et in illa prisona remaneant de suo proprio viuentes, quousque dominis suis de arreragijs plenarie satisfecerint. Et tn̄ si q̄s sic gaole liberatus conqueratur, quod auditores compoti sui ipsum iniuste grauauerūt,

onerando

ez auditores doiuent luy committ al prochaine gaole comm soiet en auts com 2 Ed. 27. H. 6. 8.

Si vn ē tenant, ē vache ou reconnoist et accompt deu auditors et ē trouue en arreraues. lez auditores ne poient luy committer al prochaine gaole 7 Eliz: com 3 a p Samuel en Stowelhouse

Si vn auditor ē assigne al ne poiet committer l'accomptant al gaole 393 E. com: 13 Eliz:

onerando ipsum de receptis que non recepit, vel non allocando ei expensas aut liberationes rationabiles, et inueniat amicos, que eũ manucapere voluerint ad ducendũ coram baronibus de scaccario, liberetur eis, et scire faciat vicũ (in cuius prisona fuerit) domino quod sit coram baronib⁹ de scaccario ad aliquem certum diem cum rotulis & aliis per quos compotum suũ reddiderit, & in plecia baronum vel auditorum, quos assignare voluerint, recitet compotus, & fiat partib⁹ iusticia, ita qđ si fuerit i arreragijs, committat gaole de Fleete, vt supra dictum est. Et si diffugerit, & gratis compotũ reddere noluerit, sicut in aliis statutis alibi continetur, | Marlebr̃.cap.23. | distringatur ad veniendũ coram iustic̃, ad compotum reddendũ, si habeat per quod distringi possit. Et cum ad curiam venerit, dentur ei auditores compoti, coram quibus si fuerit in arreragijs, et statim arreã̃ soluere non possit committat gaole custodiendũ in forma predicta. Et si diffugerit, et testificatum fuerit per vic̃, quod non sit inuent̃ exigatur de com̃ in com̃, quousque vtlagetur. Et sit huiusmodi incarcerat⁹ irreplegiabilis. Et caueat sibi vic̃, vel custos eiusdem gaole, sine sit infra libertatem siue extra, quod per commune breue, quod dicit̃ replegiare, vel alio modo sine assensu domini ipsum a prisona exire non permittat, Quod si fecerit, et super hoc conuincatur, respõdeat domino de dampnis, per huiusmodi seruientẽ sibi illatis, secundum quod per patriam verificare

ficare poterit, & habeat dominus ſuum recuperare per breue de debito |verſ⁹ cuſtodem.| Et ſi cuſtos gaole non habeat, per qđ iuſticietur, vel vnde ſoluat, reſpondeat ſuperiꝰ ſuus q̄ cuſtodiam huiuſmodi gaole ſibi commiſit, per idem breue.

Appeles. 5. Cap. 12.

¶ Quia multi per maliciam volẽtes alios grauare, procurant falſa appella fieri de homicidio, et aliis felonijs, p appellatores nihil habentes, vnde dño regi, p falſo appello, nec appellatis de damnis, reſpondere poſſint. Statutum eſt quod cum aliqs ſic appellat⁹ de felonia ſibi impoſita, ſe acquietauerit in cur̄ regis modo debito, vel ad ſectam appellatoris vel domini regis, iuſtic̄ coram quib⁹ auditum erit huiuſmodi appellum et terminatum, puniant appellatorem per priſonam vnius anni, et nihilomin⁹ reſtituant huiſmodi appellatores damna appellatis, ſecundum diſcretionem iuſtic̄, habito reſpectu ad priſonam vel arreſtationem quam occaſione huiuſmodi appellorum ſuſtinuerint appellati, et ad infamiam ſuam, quam per impriſonamentum vel alio modo incurrerunt, & nihilominus verſus dñm regem grauiter redimãtur. Et ſi forte huiuſmodi appellatores non habeant, vnde predicta damna reſtituẽ poſſint, inquirat per quorum abbettum formatum fuerit hmodi appellum, per maliciã, ſi appellatus hoc petat. Et ſi inueniatur per illam inquiſitionem, quod aliquis ſit abettator per maliciam, per breue de iudicio, ad

ſectam

sectam appellati, distringatur ad veniendum coram iustic. Et si legittimo modo conuictꝰ fuerit de huiusmodi abetto ꝓ maliciam, puniatur per ꝓisonam, et teneatur ad restitutionem damnoꝝ, sicut superius dictum est de appellatoꝛe vide. anno. 1. R. 2, ca. 13.

¶ Essoygne. 8.

¶ Nec taceat de cetero appellatoꝛi in appello de moꝛte hominis essonium, in quacũque curia vbi appellũ fuerit terminandũ.

¶ Inditements. 1. Cap. 13.

¶ Quia etiam dic̃ multotiens fingentes aliquos coꝛã eis in turnis suis indictatos de furtis, et aliis malefactis. capiunt homines non culpabiles, nec legittimo modo indictatos, et eos impꝛisonant, vt ab eis pecuniam extoꝛqueãt, cum legittimo modo per xij. iuratoꝛes non fuerint indictati. Statutum est quod dic̃ in toꝛnis suis, & alibi, cũ inquirere habeant de malefactoꝛibus per pꝛeceptũ regis, vel ex officio suo, ꝓ legales homines ad minus xij. faciant inquisitiones suas de huiusmodi malefactoꝛibus, q̃ huiusmodi inquisitionibus sigilla sua apponant. et illos quos per huiusmodi inquisitiones inuenerint culpabiles capiant, et impꝛisonent, secundum quod alias fieri consueuit. Et si aliquos aliter impꝛisonauerint, quam per huiusmodi inquisitiones indictatos, habeant huiusmodi impꝛisonati accionem suam per bꝛeue de impꝛisonamento versus dic̃, sic ut haberent versus quamcumque aliam personam, qui eos impꝛisonaret sine warranto.

Et

Et sicut dictum est de vic, obseruet de quilibet ballino libertatis.

¶ Waste. 5. Cap. 14.

¶ Cum de vasto facto in hereditate alicuius per custodes, tenentes in dotem, p legem Anglie, vel aliter ad terminum vite, vel annorum, consueuerit fieri bre de prohibitione vasti, per quod breue multi fuerunt recepere, credentes q illi qui vastum fecerint, non habuerunt necesse respondere nisi sup de vasto facto post prohibitionem eis directam, dñus rex (vt huiusmodi error de cetero tollatur) statuit, quod de vasto quocunq; ad nocumentum alicuius facto, non fiat de cetero breue de prohibitione, sed breue de summonitione, ita q ille de quo queritur respondeat de vasto facto quocunque tempore. Et si post summonitionem non venerit, attachietur. et post attachiamentum distringatur. et post districtionem, si non venerit, mãdetur vic. quod in propria persona, assumptis secum xij. &c. accedat ad locum vastatum, et inquirat de vasto facto, et retorneț inquisitionem. Postquam retorneta fuerit inquisitio, procedat ad iudicium secundum quod continetur in statuto primo edito apud Glou. cap. 5. de vasto. 20. E. 1.

¶ Prochein amy. 2. Cap. 15.

In omni casu quo minores infra etatem implacitare possint, concessum est, quod si huiusmodi minores elongati sint quo minus personaliter sequi possint, propinquiores amici admittantur ad sequend pro eis, Westm. 1. capit. 47.

¶ Warde

¶Wardes.11. Cap.16.

¶In casu quo alicui minori discendat hereditas,ex parte patris,qui tenuit de vno domino, et ex parte matris que tenuit de alio domino,dubitatio hucusque extitit de maritagio huiusmodi minoris,ad quem de duob⁹ dominis pertineat, concordatum est qđ ille dominus de cetero habeat maritagiū,de quo antecessor suus prius fuit feoffatus,non habito respectu ad sexū, nec ad quantitatē tenē sed solummodo ad antiquius feoffamentum p̄ seructum militare.

¶Essoine 9. Cap.17.

¶In itinere iusticē non admittatur de cetero essoiñ de malo lecti, de teñ in eodem comitatu,nisi ille qui se facit essoniari veraciter sit infirmus,quia si excipiatur a petente, qđ tenens non est infirmus,nec in illo statu quo min⁹ venire potuit coz̄a iusticiarios, admittat eius calumnia.Et si hoc per inquisicionē conuinci poterit, vertatur illud essonium in defaltam. ¶Nec iaceat de cetero illud essonii in breui de recto,inter duos clamātes p̄ eundem descensum.

¶Execucion.2 Cap.18.

¶Cum debitum fuerit recuperatum, vel in cur̄ regis recognitum, vel dampna adiudicata,sit de cetero in electione illius qui sequitur p̄ro huiusmodi debito,aut dampnis,sequi breue quod vic̄ fieri faciat, de terris & catallis debitoris,vel qđ vic̄ liberet ei omnia catalla debitoris (exceptis bobus & afris caruce) & mediet atē terre suc, quousque debit

fuerit leuat per rationabile precium et extet Et si eijciatur de illo ten̄, habeat recuperare per breue noue disseisine & postea par breue de redisseisina, si necesse fuerit.

¶Ordinaries.1. Cap.19.

¶Cum post mortem alicuius decedentis intestati, & obligati aliquibus in debito, bona deueniant ad ordinarium disponend̄, obligetur de cetero ordinarius ad respondendum de debitis | quatenus bona defuncti sufficiūt eodem modo quo executores | respondere | tenerentur, si testam̄ fecisset.

¶Cosinage.1. Cap.20.

¶Cum Justic̄ in placito mortis antecessoris consueuerint admittere responsionem tenentis, quod petens non est propinquior heres antecessoris, de cuius morte ten̄ petit, & hoc parat est per assisā inquirere. Cōcordat est, quod in breuibus de consanguinitate, auo et p̄roauo, que sunt eiusdem nature, admittatur illa responsio, et inquiratur, & secundū illā inquisitionem ad iudiciū procedatur.

¶Cessauit 2. Cap.21.

¶Cum in statuto edito apud Glok | ca.4 | contineat, quod si quis dimiserit terrā alicui ad redd̄ valorē quarte partis ten̄, vel maioris, habeat ille qui dimisit, vel ei⁹ heres) post quā cessatū fuerit a solutione per biennium) accionē petendi ten̄ sic dimissū in dominico. Eodem modo concordat est, quod si quis detineat domino suo seruitiū debitū & consuet p̄ bienniū, habeat dn̄s accionē petendi ten̄ in dominico per tale breue. Precipe A. q̄ iuste:

&c.

&c. reddat B. tale ten̄, quod A. de eo tenuit ꝑ tale seruitiū, & qd̄ ad pred̄ B. reuerti dz, eo quod predictus A. in faciend̄ predictū seruitium per biennium cessauit, vt dicit. Et non solum in isto casu, sed in casu de quo fit mētio in p̄dicto statuto Glo̅c̄, fiāt breuia de ingressu heredi petent̄ sup heredē tenent̄ et sup eos quibus alienat̄ fuerit huiusmodi ten̄.

22 ¶ Cum duo vel plures teneant boscum, turbariam piscariam, vel alia huiusmodi in cōi. absq; hoc quod aliquis sciat suū seperale & aliquis eorum faciat vastū contra voluntatem alteri⁹, moueatur actio per bre̅ de vasto. Et habeat defendēs, cū ad iudiciū venerit, electionem capiendi partem suam in certo loco per vic̄, & ꝑ visum & sacr̄m, ac assignationem vicinorū ad hoc elect̄ & iuratorū, vel quod concedat ꝙ nihil capiat de cetero in huiusmodi bosco, turbaria, & alijs, nisi secundū quod participes sui capere voluerint. Et si eligat capere partē suam in certo loco, assignetur ei locus vastatus in suam partē, scd̄m quod fuit anteq̄ vastum fecit. Et est tale bre̅ in hoc casu, sēz cum A. & B. teneant boscū ꝑ indiuiso B. fecit vastum &c.

¶ Executours. 1. Cap. 23.

¶ Habeant de cetero executores bre̅ de cōpoto, & eandem actionem, & processum per illud breue, quale habuit mortuus, & haberet si vixisset.

¶ Nusance. 1. Cap. 24.

In casibus in quibus conceditur breue in Cancellaria de facto alicuius, de cetero

non recedant querẽtes a cuĩ regis sine remedio, pro eo quod teñ transfert de uno in alium. Et in registro de cancellaria non est inuentum aliqũ brẽ in isto casu speciale, sicut de muro, domo mercato concedit breue super eum qui leuauit ad nocumentum. Et si trãsferatur domus, murus, & his similia in aliam personam brẽ non denegek, sed de cetero cum in uno casu conceditur breue in consimili casu simili remedio indigente, sicuti prius, fiat brẽ. Questus est nobis A. quod B. iniust. &c. leuauit domum, murũ, mercatum, et alia que sunt ad nocumentum liberi teñ sui. Et si huiusmodi leuata ad nocumentum transtulerant in aliã personam, de cetero fiat breue sic: Questus est nobis A. quod B. et C. leuauerunt &c.

¶ Quod permittat I.

no: Ha: br: 49. a.

¶ Eodem modo sicut persona alicuius ecclesie recuperare potest cõmuniam pasturẽ p breue noue diss. eodem modo de cetero recuperet successor super disseisitorẽ. uel eius heredem, per breue, quod permittat, licet huiusmodi breue prius in cancellaria non fuerit concessum.

¶ Iuris utrum. I.

¶ Eodem modo sicut conceditur breue, utrum aliquod teñ sit libera elemosina alicuius ecclesie, uel laicum feod talis fiat de cetero breue utrũ sit libera elemosina talis ecclesie. uel alterius ecclesie, in casu quo libera elemosina unius ecclesie transferatur in possessionem alterius ecclesie.

¶ Writtes.

¶ Writtes.2.

¶ Et quocienscunque de cetero euenerit in cancellar̄, quod in vno casu reperit̄ breue, et in consimili casu cadente sub eodem iure, et simili indigente remedio non reperit̄, concordēt clerici de cancellaria in breui faciendo, vel atterminent querentes in proximum parliamentum, & scribantur casus in quibus concordare non possunt, & referant eos ad proximum parliamentum, & de consensu iurisperitorū fiat breue, ne contingat de cetero quod curia dñi regis deficiat conquerentibus in iusticia perquirenda.

¶ Assise 6. Cap.25.

¶ Quia non est aliquod breue in Cancellaria, per quod querentes habēt tam festinū remedium, sicut per breue noue disseisine, dominus rex voluntatem habens vt celeris fiat iusticia, et quod dilationes in placit̄ cōmuni amputentur et abbreuientur, concedit qd breue assise no. disseisine locum habeat in pluribus casibus quam prius habuit. Et cōcedit quod de estouerijs bosci, proficuo capiēd in bosco, de nucibus, et glādibus, & aliis fructibus colligend, de corrodio, liberatione bladi, & aliorum victualium, ac necessariorū in certo loco annuatim recipiend, tolneto, tronagio, passagio, pontagio, pannagio, & his similibus in certis locis capiend, custodijs boscorum, parcorum, forestarum, chacearum, warrennarum, portarum, & alijs balliuis, & officijs in feod, iaceat de cetero assisa no. diss. Et in omnibus supradictis casibus modo cō-

ſueto fiat breue de libero ten̄. Et ſicut prius
facuit, & locū habuit in cōmunia paſture, ita
de cetero locū habeat in communia turbarie,
piſcarie, & alijs communñ his ſimilibus, quas
quis hz pertinentes ad liberum ten̄. vel etiam
ſine ten̄ per ſpeciale factum, ad minus ad ter-
miuum vite. In caſu etiam quando quis te-
nens ten̄ ad terminum annorū, vel in cuſtod̄
illud alienat in feodo, & p illam alienationem
tranſfertur liberū ten̄ in feoffatum, fiat re-
medium per breue nouę diſſ. et habeantur
pro diſſeiſitoribus tam ille qui feoffat, quam
feoffatus, ita quod viuente altero eorū locū
habeat predictum breue. Et ſi per mortem ſo-
narum ceſſet remedium per predictum br̄e
fiat remedium per br̄e de ingreſſu. Et q̄uis
ſuperius fiat mencio de aliquibus caſibus de
quibus locum non habuit prius breue nouę
diſſeiſine, non propter hoc credet aliquis illud
breue non competere, vbi prius competerat.
Et licet dubitauerint quidam, vtrum in caſu
quo quis paſcat alterius ſeperale, fieri poterit
remedium per predictum breue, teneatur pro
certo, q̄ in caſu illo per predictum breue bonū
& certum eſt remediū. Cauent de cetero illi
ñ nominati ſūt diſſeiſitores, qd̄ nō ꝓponant
falſas exceptiones, per quas captio aſſiſe dif-
feratur, dicēdo quod alias tranſiuit aſſisa de
eodem ten̄ inter eaſdem partes, vel dicendo &
mentiendo, quod breue de altiori natura pen-
det inter eaſdem partes de eodem ten̄, & ſup
his & conſimilibus vocent rotulos, vel re-
cordum ad warrantum, vt per illam vocati-

onem

onem asportare possint vesturā, & leuare reddit⁹ et alia proficua ad magnum detrimentum querentis. Et quia prius aliam penam non habuit, qui huiusmodi falsas exceptiones mendaciter proposuit, nisi tantum quod post mendacium suum conuictum processum fuit ad captionem assise. Dominus rex, cui odiose sunt huiusmodi false excepciones, statuit qđ si quis disseisitor nominatus personaliter ꝓponat illam exceptionem ad diem sibi datum si defecerit de warranto quod vocauit, habeatur pro disseisitore absq; recognitione assise, & restituat damna prius inquisita, vel post inquirenda de duplo, & nihilominus pro falsitate sua puniatur per prisonam vni⁹ anni. Et si illa excepcio proponatur per balliuum, non propter hoc differatur captio assise, nec iudicium super restitucione teñ, & damnum. Ita tamen, qđ si dñs illi⁹ balliui, qui absens fuerit, postmodū veniat coram iustic̄, qui assisā ceperint, & offerat verificare ꝑ recordū, vel ꝑ rotulos, quod assisa alias transiuit de eod̄ teñ inde inter easdem partes, vel qđ querens alias se retraxit de breui consimili, vel placit̄ pendeat per breue de altiori natur̄: fiat ei bre de faciendo venire super hoc recordum. Et cū illud habuerit, & videant Iustic̄, qđ recordum ita ei missum valeret ante iudic̄, ꝙ ꝑ illud excluderetur querēs ab actione sua, statim faciant iustic̄ scire parti, que prius recuperauit, qđ sit ad certum diem, ad quem rehabeat defendens seisinam suam, et damna si que prius soluit per primum iudicium si-

mul cum damnis que habuit poſt primū iudicium redditum, que ei reſtituantur in duplo, ſicut ſuprādictū eſt: & nihilominus puniatur ille qui primo recuperauit, per priſonam ſecundum diſcretionem iuſticiariorum. Eodem modo ſi defendens, contra quē tranſiuit aſſiſa, in ſua abſentia oſtendat chartas, vel quicē clam, ſuper quarum confectione non fuerunt iurat̄ examinat̄, nec examinari poterunt, pro eo quod de eis non fiebat mentio in placitand̄, et probabiliter ignorare potuerūt confectionem huiuſmodi ſcriptorum: Iuſtic̄ biſis ſcriptis illis faciant ſcire parti, que recuperauit, quod ſit ad certum diem coram eis & venire fac̄ iurat̄ eiuſdē aſſiſe. Et ſi per veredictum iuratorum, vel forte per irrotulamentum ſcripta illa verificauerint, puniatur ille, qui aſſiſam impetrauit contra factū ſuū per penam ſuprādictam. Nec capiat vic̄ de cetero bouem a diſſeiſito, ſed a diſſeiſitore tantum. Et ſi plures ſint diſſeiſitores in vno breue nominat̄, nihilominus de vno boue ſit contentus: nec exigat bouem niſi de precio v. ſ. vel precium.

¶ Rediſſeiſine. 3. Cap. 26

¶ In breuibus de rediſſeiſina adiudicētur de cetē damna in duplo: & ſint rediſſeiſitores de cetero irreplegiabiles per commune breue. Et ſicut in ſtatut̄ de Merton [ca. 3.] prouiſum fuit illud breue de his qui diſſeiſit fuerunt, poſtquam recuperauerunt per aſſiſam noue diſſeiſine, mortis anteceſſoris, aut per alias iuratas: vlterius de cetero habeat

illud

illud breue locum in illis qui recuperauerint per defaltam, redditionem, aut alio modo sine recognitione assisarum vel iuratarum.

¶Essoine.10. Cap.27.

¶Postquam aliquis posuerit se in inquisitionem aliquam ad proximum diem, allocetur ei essonium, sed ad alios dies sequentes per essonium non differatur captio inquisitionis siue prius habuit essoñ siue non. Nec admittatur essoñ post dié dat prece partium in casu in quo partes consentiunt venire sine essoñ.

¶Essoine 11. Cap.28

¶Cum per statutum Westm̃ primer ca. 41. statuatur quod postquam tenentes semel comparuerint in curia, non allocetur eis essoiñ in breuibus assisarum: eodem modo de cetero obseruetur de petentibus.

¶Oyer & Terminer.1. Cap.29.

¶Breue de transg̃ ad audiendū & terminandum, de cetero non concedatur coꝝ aliquibus Justic̃, except̃ iustic̃ de vtroq; banco, & iustic̃ itinerant̃, nisi pro enormi transg̃ vbi necesse est apponere festinum remedium Et dñs rex de gratia sua speciali hoc duxit concedend̃. Nec etiam de cetero concedatur breue ad audiendum & terminandum appella coram iustic̃ assigñ, nisi in speciali casu, & certa causa, cum dominus rex hoc, p̃ceperit. Sed ne huiusmodi appellati, vel indictati diu detineant̃ in prisona, habeāt breue de odio & atia sicut in Magna Charta [ca.26] & aliis statutis

tutis dictum est. |W.1.ca.11.Glo̅c̅.ca.9.|

¶ Nisi prius.1. Cap.30.

¶ Assignentur de cetero duo iustic̅ iurati, coram quibus, et non alijs capiantur assisa no. disseisine, mortis antecessoris, et attincte, & associent sibi duos, vel vnum de discretioribus, militibus com̅ in quem venerint, & capiant assisas predictas, et attinctas, ad pl⁹ter per annum, videlicet semel inter quindenam sancti Johannis Baptiste, & gulam Augusti et iterum inter festum Exaltacionis sancte Crucis, & Octabis sancti Michaelis, et tercio int̅ festū Epiphani, et festum Purificationis beate Marie. Et in quolibet comitatu ad quamlibet captionem assise, antequam recedant, statuant diem de reditu suo, ita quod omnes de com̅ scire possint eorum aduentum et de termino in terminū adiournent assisas. Si per vocationem warranti, per essoñ, vel per defectum recognitorum, ad vnum diem |captio earundē differatur. Et si aliqua| causa viderint quod vtile sit, quod assise mortis antecessoris per essoñ vel vocationem warranti respectuate adiournētur in banco, liceat eis hoc facere, & tunc mittant iustic̅ de bāco recordum, cū breue originali Et cum loquela peruenerit ad captionem assise, remittatur loquela cū breui originali ꝑ Justic̅ de banco, ad priores iustic̅, coram quibus capiat assisa. Sed de cetero dent Justic̅ de banco in huiusmodi assisis ad minus quatuor dies per annū, coram prelat̅ iustic̅ assign̄, vt parcant laboribus & expensis. Atterminentur in-

inquisitiones capiend̄ de transgr̄ placitat̄ coram iustic̄ de vtroq; banco, nisi ita enormis sit transgr̄, qd̄ magna indigeat examinatione Atterminent̄ etiā inquisiciones corā eis de alijs placitis placitatis in vtroq; banco, in quibus facilis est examinatio, vt qñ dedicit̄ ingressus, vel seisina alicuius, vel in casu qñ de vno articulo sit inquirend̄. Sed inquisiciones de grossis & pluribus articulis, q̄ magna indigeant examinatione capiantur coram Justic̄ de bancis, nisi ambe partes petant, q̄ inquisicio capiatur coram aliquibus de societate, cū in partes illas venerint, quod de cetero non fiat nisi per duos Justic̄, vel vnum cū aliquo milite de com̄, in quem partes consentiunt. Nec atterminentur huiusmodi inquisitiones coram aliquibus Justiciarijs de banco, nisi statuat̄ certus dies & locus in com̄ in presentia partium, & dies & locus inferantur in breui de iudicio per hec verba. Precipimus tibi qd̄ venire fac̄ coram Justiciarijs nostris apud Westm̄ in octab. sancti Michaelis, nisi talis et talis tali die et loco ad partes illas venerint xij. &c. Et cum huiusmodi inquisiciones capte fuerint, retornentur in bancis, et ibi fiat iudicium, et irrotulentur. Et si omissa forma predicta alique inquisiciones capiantur, pro nullis habeantur, excepto quod assise vltime presentacionis, et inquisitiones super Quare impedit atterminentur in proprio com̄ coram vno Justic̄ de banco, et vno milite, ad certos tamen diem et locum in banco statutos,

et siue defendens consentiat siue non: & ibi statim reddatur iudicium. | vide 12. E. 2. stat Eborum ca. 3 | Habeant de cetero omnes iustic̄ de bancis in itineribus clericos irrotulātes omnia placita coram eis placitat̄, sicut antiquitus habere consueuerunt. Item ordinatum est, quod Justiciarij ad assisas capiēd assignat̄ non compellant iuratores dicere p̄cise, si sit disseisina vel non, dummodo dicere voluerint veritatem facti, & petere auxilium iustic̄. Sed si spōte velint dicere, qd̄ disseisina est, vel non, admittatur eorū veredictum sub suo periculo. Et de cetero non ponāt iustic̄ in assisis, aut iuratis aliquos iurat̄, nisi eos qui ad hoc prius fuerunt sum̄ | de finibus leuatis. 27. E. 1. ca. 4. |

¶ Excepcion. 1 Cap. 31.

¶ Cum aliquis implacitat̄ corā aliquibus iustic̄, proponat excepcionem, et petat quod iustic̄ eam allocent: quam si allocare noluerint, & ille qui excepcionem proposuerit, scribat illam excepcionem, et petat quod iustic̄ sigillum suum appon̄ in testim̄, Justiciarij apponant sigilla sua. Et si vn⁹ apponere noluerit, apponat alius de societate. Et si forte ad querimoniam de facto Justiciariorum venire fac̄ dn̄s rex recordum coram eo, et si illa excepcio non inueniatur in rotulo, & querens ostendat exceptionem scriptam sub sigillo iustic̄ appenso, mandetur Justiciario, quod sit ad certum diem ad cognoscendum sigillum suum, vel ad dedicendum. Et si Justic̄ sigillum suum dedicere non possit, procedatur

datur ad iudicium secundum illam exceptionem prout admittens esset vel cassand.

¶Mortmaine 2. Cap.32.

¶Cum viri religiosi, & alie persone ecclesiastice implacitent aliquem, et implacitatus fecerit defaltam, ob quam ten̄ amittere debeat: quia iust̄ huc usq; tenuer̄t, quod si implacitatus fecerit defaltam per collusionem, vt cum petens occasione statuti de Religiosis anno. 7. E. 1. per titulum doni, vel alteri⁹ alienacionis, seisinam de ten̄ consequi non posset, per illam defaltam consequeretur, et sic fieret fraus statuto. Ordinat est per dominum regem, & concessum in hoc casu quod postquam defalta facta fuerit, inquiratur per patriam, vtrum petens habeat ius in sua petitione vel non. Et si compertum fuerit, q̄ petens ius habuerit, p̄ceperatur ad iudicium p̄o petente, et recuperet seisinam suam. Et si ius non habuerit, incurratur ten̄ p̄oximo domino feodi, si illud petat infra annum a tempore inquisicionis capte. Et si infra annum non petat, superiori domino incurratur si petat infra dimidium annum post illum annum. Et sic habeat quilibet dominus post p̄oximum dominum, spacium dimidij anni ad petendum, successiue, quousque perueniatur ad regem, cui ad vltimum p̄o defectu aliorum dominorum ten̄ incurratur. Et ad calumniandum iuratores inquisitionis, admittantur quicunq; capitales domini feodorum, et similiter p̄o rege qui calumniare voluerint. Et remaneat terra, postquam iudiciū datum

Ref: mortmaine 2. 4 & 6 rom: 43. 6.

datum fuerit in manu domini regis quousq; ten̄ per petent̄, vel per aliquem capitalē dn̄m disrationetur, & oneretur vic̄ ad respondend̄ inde ad sc̄carium.

¶Crosses. I. Cap. 33.

¶Quia multi tenentes erigūt cruces in ten̄tis suis, aut erigi permittunt, in preiudicium dominorum suorum, vt tenentes ꝑ priuilegium templariorum & hospitalariorū tueri se possent contra capitales dominos feodorum. Statutū est quod huiusmodi ten̄ capitalibus dn̄is, aut regi incurrantur eodē mod̄ quo statuit alibi de tenement̄ alienat̄ ad manum mortuā | de Religiosis 7. E. I.

¶Rape. 2 Cap. 34.

¶Purueu est que si home rauist feme espouse damesell', ou auter feme desormes, per la ou el ne soit assentus, ne auant ne apres eit iudgement de vie et de membre. Et ensement per la ou home rauist feme dam̄ espouse damsell', ou auter feme a force, tout soit q̄ el soy assent apres, eit tiel iudgement come deuant est dit, sil soit attaint a le suit le roy, & la eit le roy sa suite. De mulieribus abductis cum bonis virorum suorum, habeat rex sectam de bonis sic asportatis. Et vxor si spōte reliquerit virum suum, et abierit, & moret̄ cum adultero suo, amittat in perpetuū accionem petendi dotem suam, que ei competere posset de ten̄ viri sui, si super hoc conuincatur nisi vir suus sponte, & absq; cohercione ecclesiastica eam reconciliet, et secum cohabitare permittat, in quo casu restituatur ei actio.

Qui

Qui monialē a domo sua abducat, licet monialis consentiat, puniatur per prisonam trium annorum, et satisfaciat domui a qua abducto fuerit, competent: |&| nihilominꝰ redimatur ad voluntatem regis.

¶ Wardes.12. Cap.35.

¶ De pueris masculis, siue femellis (quorum maritagiū ad aliquē ptineat) raptis et abductis, si ille que rapuit nō habens ius in maritagio, licet postmodū restituat puerū nō maritat, vel de maritagio satisfecerit, puniat tamē pro transgr̄ per prisonam duorum annorum. Et si non restituerit, vel heredē post annos nubiles maritauerit, & de maritagio satisfacere non potuerit, abiuret regnū, vel habeat perpetuam prisonam. Et super hoc habeat querēs tale breue. Si A. fecerit te securū &c. tunc pone p vad &c B. qd sit coram iustic̄ nostris &c. ostens. quare talem hered̄ infra etat existen̄, cuius maritagiū ad ipsum A. pertinet, apud C. inuentum, tali loco rapuit, & abduxit contra voluntatem ipsiꝰ A. & cōtra pacem &c. Et si heres sit in eodem com̄ tunc addat ista clausula. Et diligent inq̄ras vbi ille heres sit in balliua tua |et| ipsum vbi cūq; inuēt fuerit capias, & saluo & secur̄ custodias, ita qd eum habeas corā prefat iustic̄ nostris ad prefatum terminum, ad reddend̄ cui predictorum A. & B. reddi debeat. Et fiat secta versus partem, de qua queritur, quousque per districtionem venerit, si habeat per quod distringi poterit, vel per contumaciam (si non sit iustitiabilis) exigat, & vtlagetur.

Si

Si forte huiusmodi heres ducatur, & transferatur in aliū cōm, tunc vic illius cōm fiat tale breue sub hac forma. Questus est nobis A. quod B. nuper talem heredem infra etatē & in custodia sua existentē, tali loco, in cōmitatu rapuit, et de comitatu ille ad talem locum in comitatu tuo abduxit, contra voluntatem ipsius A. & contra pacem &c. Et ideo tibi precipimus, q̄ predictum heredem, vbicunq; eum in balliua tua inuenire poteris, capias, & saluo & secure eum custodias, ita quod eū habeas coram iusticiariis nostris &c. tali loco et die, quē diem A. habet versus predictum B. ad reddendū cui de iure reddi debeat. Et si heres anteqū inuentus poterit, vel anteqū restituatur querenti, obierit, nihilominus procedat placitū inter eos, quousq; terminet, cui restitui deberet, si superstes fuisset. Nec excusabit aut alleuiabit ille, q̄ iniuste rapuit hmodi heredē, de pena supradicta per mortem heredis, cuius extitit male fidei possessor, dū vixit. Et si querens obierit ante placitum terminatū, si ius ei cōpetebat ratione proprietatis feodi sui, resummoneat loquela ad sectam heredū q̄rentis, & procedat placitū debito ordine. Si vero ei alium titulū competat ei ius sicut titulo donationis, vendicionis, aut alio huiusmodi titulo, tunc resommoneat loquela ad sectam executorum querentis, & procedat placitum vt predictum est. Eodem modo si moriatur pars defendens antequā placit terminet, vel heres restituatur, procedat placitum per resumm inter querentem, vel eius heredem, seu executo-

executores, & executores defendentis, vel eiꝰ heredes si executores non sufficiant, quo ad satisfactionem de valore maritagij secundū quod in alijs statutis continet, sed non quo ad penam prisone, qꝛ quis pro alieno facto non est puniendus. Eodem modo cum pendeat placitum inter partes de custodia terre, vel heredis, vel utriusq; per cōe bꝛe, qō incipit. Precipe tali &c. quod reddat &c. fiat resūmonitio inter heredes & executores querentis, & similiter heredes aut executores defēdentis, si mors alteram partem preueniat ante placitum terminatum. Et cum peruenitur ad magnam districtionem, dek terminus infra quem tres cōm teneant ad minus, in quorum quolibet cōm fiat publica pclamatio qō defoꝛciatoꝛ veniat ad bancum, ad diem in bꝛeue contentum, respōsurus querēti Ad quem diem si non venerit, & proclamatio sic semel, secundo & tertio testificat fuerit, pcedatur ad iudicium pro querente, saluo iure defendent, si postmodum inde loqui voluerit. Eodem modo fiat in bꝛeue de transgꝛ, cum quis queritur, se eiectum fuisse de huiusmodi custodijs.

¶ Procurements. I. Cap. 36.

¶ Quia domini cuꝛ, & alij q̄ cuꝛ tenent, et senescali, volentes grauare subditos suos, cū non habeant legalem viam eos grauandi, pcurant alios mouere querelas versus eos, et dare vadiū, et offerre plegios, vel impetrare bꝛeuia, et ad sectas hmodi querentium compellunt eos sequi cōm, hundꝛeb, wapentachium

chium, et cur̄, quousq; finem fecerint cum ipsis pro voluntate sua, statutum est, qd̄ hoc de cetero non fiat. Et si quis per huiusmodi falsas querimonias fuerit attachiat⁹, replegiet districtionem suam sic captam, & poni fac̄ loquelam coram iustic̄, coram quibus si vic̄, vel alius balliu⁹, vel dn̄s, postquā sit district⁹ formauerit q̄rimoniā suā, aduocauerit iustā districtionē ratione hm̄odi querimoniarū corā eis factarū, & replicet, qd̄ hm̄odi querimonia mouebantur versus eos maliciose ad instantiam seu procurationem vic̄ aut aliorum balliuorum aut dominorum, admittatur illa replicatio. Et si sup hoc cēuicti fuerint, versus dn̄m regem redimant, & nihilominus hm̄odi sic grauatis damna in triplo restituant.

¶ Distresses. 8. Cap. 37.

¶ Quia etiam balliui, ad quos ex officio pertinet districtiones facere, grauare volentes subditos suos, vt ab eis pecuniam extorq̄ant mittunt ignotos ad faciend̄ districtiones, ea intentione, vt subditos grauare possint per hoc quod sic districti non habentes noticiam personarum non permittunt huiusmodi districtiones super eos fieri. Statutū est quod nulla districtio fiat nisi per balliuos notos & iuratos. Et si alio modo districtiones fecerint, et de hoc conuicti fuerint, si grauati breue de transgr̄ impetrauerint, restituāt grauatis damna | alias in triplo | & dn̄s regem grauit̄ puniantur.

¶ Iurrour

¶ Iurrours. 2. / Cap. 38.

¶ Quia etiam vic̄ hūdredarij, & balliui libertantum consueuerūt grauare subdit̄ suos, ponendo in assisis & iuratis homines languidos, & decrepitos, perpetua vel temporali infirmitate languentes, homines etiam tēpore summonitionis sue in p̄ria non commorantes, sūmonendo etiam effrenatam multitudinē iuratorū, ita vt a q̄busdā eos in pace dimittendo pecuniā extorqueant, & sic fiunt assise & iurate multotiēs ꝑ pauperiores, diuitib⁹, pro suo dando, domi cōmorantibus, Statutū est, qd̄ de cetero non sūmoneantur in vna assisa plures q̄ꝫ. xxiiij. Senes etiam, videlicet vltra. lxx. annos, perpetuo lāguidi, vel tempore sūmonitionis infirmi, vel in patria non cōmorantes, non ponant̄ in iuratis vel minoribus assisis. Nec etiā ponāt̄ in assisis vel iuratis, licet in proprio com̄ capi debeant aliqui, qui min⁹ teñ habeant quam ad valentiam viginti solidorum per annum. Et si huiusmodi assise, & iurat̄, extra com̄ capi debeant, non ponantur in eis aliqui q̄ minus teñ habeant quam ad valentiā quadraginta solidorum per annum, illis exceptis qui testes sūt in chartis, vel alijs scriptis, quorum presentia necessaria est, dum tamen potentes sint ad laborād̄. Nec debet istud statutum extendi ad magnas assisas, in quibus oportet aliquando ponere milites in patria non residentes, ꝓpter paucitatem militum, dum tamen teñ habeant in com̄. Et si vic̄, vel subballiui sui, vel balliui libertatum, contra

iſtud ſtatutum in aliquo articulo venerint, ſuper hoc conuincãtur, reſtituant dãna grauatis & nihilominus ſint in miſericordia domini regis. Et habeant iuſtic̃ ad aſſiſas capiẽd aſſign. cum in com̃ venerint poteſtatem audiendi querimonias ſingulorum conquerentium, quo ad articulos in iſto ſtatuto cõtentos, et iuſticiam in forma predicta exhibend. |21. Edwardi primi de ponendis in Aſſiſis.

¶ Retorne of ſhirifes, 1. Cap. 39.

¶ Quia iuſticiarij (ad quorum officiũ ſpectat vnicuiq; eorum eis placitanti iuſticiã exhibere) frequentius impediuntur, quo min⁹ officium ſuum debito modo exequi poſſint, p hoc quod vic̃ breuia originalia & iudicialia non retornant, per hoc etiam quod ad breuia domini regis falſum retornant reſponſum. Prouidit dominus rex et ordinauit, qõ illi qui timent maliciam vic̃, liberent breuia ſua originalia & iudicialia in pleno com̃ vel |m| retro com̃, vbi fit collatio denariorũ dñi regis & capiatur billettum de vic̃ preſente, vel ſubvic̃, in quo billetto contineantur nomina petentium et tenenc̃ in breui nominat, et ad requiſitionem illius qui bre liberauit, apponat billetto ſigillum vic̃ vel ſubvic̃ in teſtim & fiat mẽtio de die liberationis breuis. Et ſi vic̃ vel ſubvic̃ huiuſmodi billetto ſigillum ſuum apponere noluerit, capiatur teſtimonium militum et aliorum, fide dignorum qui preſẽtes fuerint, qui ſigilla ſua huiuſmodi billetto apponent. Et ſi vic̃ breuia ſibi liberat non retornauerit

tornauerit et super hoc ad iusticiarios pueniat querimonia mandet per breue de iudicio iustic̄ ad assisas capiendas assign̄, qd̄ inquirent per eos qui presētes fuerint, qn̄ br̄e vic̄ liberatum fuit, si sciuerint de illa deliberatione, et inquisitio returnetur. Et si compertum fuerit per inquisitionem, quod breue fuit ei liberat̄, adiudicentur querenti vel petenti damna, habito respectu ad qualitatem et quantitatem actionis, et ad periculum qd̄ ei euenire posset. per dilationem quam patiebatur. | Anno. 2. E. 3. ca. 5. apud Not. | Et p istam viam fiat remediū quando vic̄ respōdet, quod breue adeo tarde venit, quod p̄ceptum regis exequi nō potuit Multotiens etiā capiunt placita dilationes per hoc quod vic̄ respondet, quod precepit balliuis alicui⁹ libertatis, qui nihil inde fecerint, et nominet libertates que nunquam retornum breuium habuerunt. Propter quod, ordinauit domin⁹ rex, quod thesaurarius & baron̄ de scaccario liberent | iusticiarijs in rotulo oēs libertates in quibuscunq; com̄ qui hn̄t retornum breuium. Et si vic̄ respondet qd̄ mandauit balliuo alterius libertatis, quā alicuius cōtente in p̄dicto rotulo, statim puniatur vic̄ tāq̄ exheredator regis & corone sue. Et si forte respondeat quod mandauit balliuis alicuius libertatis, que veraciter retornum hz | qui nihil inde fecit | mādetur vic̄, quod nō omittat propter aliquam libertatem predictam, quin exequatur preceptum domini regis, et quod scire faciat balliuis, quib⁹ fecit returnū

quod sint ad diem in breui contentum, ad respondend̄, quare de precepto domini regis executionem non fecerint. Et si ad diem venerint, et se acquietent, quod returnum breuis non fuit eis factum, statim condemnetur vic̄ domino illi⁹ libertatis, et similiter parti lese per dilationem in restitutionem damnorum. Et si ad diem non venerint balliui, vel venerint, et supradicto modo se non acquietauerint, in quolibet breui de iudicio, quam diu durat placitum, p̄cipiatur vic̄ quod nō omittat propter libertatem. &c. Multociens etiā vic̄ fallum dant responsum, quo ad illum articulum quod de exit̄ &c. mandantes aliquādo et mentientes, quod nulli sunt exitus, aliquando quod parui sunt exitus, cum de maioribus respondere possint aliquando nō facientes mentionem de exit̄. Propter qd̄ ordinat̄ est et concordat̄, quod si querens petat auditum responsionis vic̄, concedatur ei. Et si offerat verificare, quod vic̄ de maioribus exitibus regi respondere potuit, fiat ei breue de iudicio ad iustic̄ ad assisas capiend̄ assignatos quod inquirant in presentia vic̄, si interesse voluerit, de quib⁹ et quantis exit̄ vic̄ respondere potuit a die impetrationis b̄ris vsque ad diem in breui contentum |al' receptionis vide P. 27. H. 8. ca. 10. f. 3. & P. 20. H 6. ca. 10, fo. 25.| et cum inq̄sitio retornata fuerit, si de pleno prius non responderit, oneretur de superplusagio per extractas iustic̄ liberatas ad scaccarium, et nihilominus grauiter amercietur pro concelamento. Et sciat

vic̄

vic, quod reddit⁹, blada in grangia, & omnia mobilia, prek equitaturam, indumenta, & utensilia domus continentur sub nomine exituum. Et precepit dominus rex, quod vic̄ p huiusmodi falsis responsionibus semel & iterum (si sit necesse) per iustic̄ castigentur. Et si tercio deliquerent, alius non apponi manū quam dominus rex. Multociens etiam falsū dant responsum, mandando quod non potuerunt |exequi| preceptum regis, ꝓpter resistentiam potestatis alicuius magnatis, ō quo caueat vic̄ de cetero, quia huiusmodi respō-sio multum redundat in dedecus domini regis et corone sue. Et quam cito subballiui sui testificentur, qō inuenerūt huiusmodi resistentiam, statim (omnibus omissis) assump-to secum posse com̄ sui, eat in propria persona sua, ad faciendō executionem. Et si inueniat subballiuos suos mendaces, puniat eos per prisonam, ita quod alij per eorum penam castigentur. Et si inueniat eos veraces, castiget resistentes per prisonam, a qua non deliberetur sine speciali precepto domini regis. Et si forte vic̄ cum venerit, resistentiam inuenerit, certificet cū̄ de nominibus resistentiū, auxiliantium, consentientium, precipientium et fautorum, et per breue de iudicio attachient huiusmodi per corpora, ad veniendum ad cū̄ regis. Et si de huiusmodi resistentia conuincantur, puniantur secundum quod domino regi placuerit. Nec intromittat se aliquis minister domini regis de pena

huiusmodi infligenda, quia dominus rex hoc sibi special' reseruat, pro eo quod huiusmodi resistentes censentur pacis sue & regni pturbatores | 13. E. 1. de mercatorib⁹ articuli super cartas. ca. 16.

¶ Age. 4. Cap. 40

¶ Cum quis alienatius vxoris sue, concordat est, quod de cetero secta mulieris, aut eius heredis non differatur post obitum viri per minorem etatem heredis, qui warrantizare dz, sz expectet emptor (qui ignorare nō debuit quod ius alienum emit) vsque ad etatem warranti sui, de warrantia sua habenda.

¶ Contra formam collationis. 1 Cap. 41.

¶ Statuit dominus rex qd si abbates, priores, custodes hospitalium, et aliarum domorum religiosarum fundatarum ab ipso, vel a progenitoribus suis, alienauerint de cetero ten̄ domibus ipsis ab ipso vel a progenitoribus suis collata, ten̄ ill' in manum domini regis capiantur, et ad voluntatem suam teneantur, et emptor amittat suū recuperare, tā de ten̄ quam de pecunia, quam paiauit. Si aut' domus illa a com̄, baron̄, vel ab aliis fūdat' fuerit, de ten̄ sic alienat' hēat ille a quo vel a cuius antecessore ten̄ sic alienat' collatū fuerit, breue ad recuperand' ten̄ illud in dominico, quod tale est. Precipe tali abbati, qd iuste &c. reddat B. tale ten̄, qd eidem domui colatum fuit in liberam elemosinam per predict' B. vel antecessores suos, et quod ad p̄dict' B. reuerti dz per alienationem, quam

predict⁹

predictas abbas fecit de predicto ten̄ contra formam collationis predicte, vt dic̄ Eodem modo de ten̄ dat̄ p̄o cantaria |sustinenda| vel luminari in aliqua ecclesia vel capella, vel alia elemosina sustentanda, si ten̄ sic dat̄ alienetur. Et si forte ten̄ sic dat̄ p̄o cātaria, luminari, pastu pauperum, vel alia elemosina sustentanda vel facienḋ, non fuerit alienat̄, sed subtracta fuerit huiusmodi elemosina p biennium competat actio donatori aut eius heredi ad petendum ten̄ sic datum in dominico, sicut statut̄ est in statuto Gloc̄, de ten̄ dimissis ad faciendum vel reddendum quartam partem valoris ten̄, vel maiorem. Gloucester cap. 4.

¶Fees. I. Cap. 42

¶De mareschallis domini regis de feodo, camerarijs, custodibus hostiorum in itinere iustic̄, et seruientibus virgam portantibus coram iustic̄ apud Westm̄, qui officium illud habent de feodo, et qui plus exigunt ratione feodi sui quam exigere consueuerunt, secundum quod multi queruntur super eos q̄ statut̄ cui a multo tempore viderunt et sciunt, dominus rex inquiri fecit, quem stat̄ predicti ministri de feodo habere consueuerunt temporibus retroactis, et per inquisitionem statuit et precipit, quod mareschallus de feodo q̄ de nouo exigit palefridū de comitib⁹, baron̄, & alijs per partem baronie tenent̄, q̄n̄ homagium fecerint, et nihilominus ad milicia eorum alium palefridū, et de quibusdam (de quibus palefridum habere non debuit) palefridum

lefridum de nouo exigunt, ordinauit qd̄ predictus marescallus de quolibet comite & barone (integram baroniam tenente,) de vno palefrido sit contentus, vel de precio quale antiquitus percipere consueuit, ita quod si ad homagium, quod fecit, palefridum vel precium in forma predicta ceperit, ad militiā suam nihil capiat. Et si forte ad homagiū nihil ceperit, ad miliciam suam capiat. De abbatibus, et prioribus integram baroniam tenentibus cum homagium aut fidelitatem pro baronijs suis fecerint, capiat palefridum vel precium, vt predictum est. Hoc idem de archiepiscopis, et episcopis obseruand̄ est. De his autē qui partem baronie tenent, siue sint religiosi, siue seculares, capiat secundum portionem partis baronie, quam tenent. De religiosis tenent̄ in liberam elemosinam, et non per baroniam, vel partem baronie, nihil de cetero exigat marescallus. Et concessit dominus rex, quod per hoc statutum non precludatur marescallus suus de feodo in plus petendo, si in posterum ostendere poterit, qd̄ ius habeat plus petendi. Camerarij domini regis habeant de cetero de archiepiscopis, episcopis, abbatibus, prioribus, et alijs personis ecclesiasticis, com̄, baron̄ integram baroniam tenēt̄, rationabilē finē cum homagium aut fidelitatem pro baronijs suis fecerint. Et si per partem baronie teneant, capiant rationabilem finem secundum portionem ipsos contingentem. Alij vero abbates, priores, religiosi, et seculares non tenentes

per

per baroniam, vel partem baronie, non diſtringantur ad finem faciendū, ſecundum qđ de tenentibus per baroniam vel partem baronie dictum eſt, ſed ſit Camerarius de ſuperiori indumento contentus, vel de pręcio indumenti: quod plus honeſte dictum eſt ꝑ religioſis quam ſecularibus, ꝙa honeſtiꝰ eſt quod religioſi patiant ꝑ ſuperiori indumēto, quam exuank.

¶ Citacion. I. Cap. 43.

¶ Pȝohibeatur de cetero hoſpitalariȝs et templariȝs, ne de cetero trahant aliquem in placitum cȝam conſeruatoȝibus pȝiuiligiorum ſuoȝum de aliqua re, cuius cognitio ſpectat ad foȝum regium. Quod ſi fecerint, pȝimo reſtituant damna parti grauate & verſus dominum regem grauiter puniantur. Pȝohibet etiam dominus rex conſeruatoȝibus pȝiuilegioȝum eoȝundem, ne de cetero (ad inſtantiam hoſpitalarioȝum, templarioȝum, aut alioȝum pȝiuilegiatoȝum) concedant citationes, pȝiuſquam expȝimatur ſuper qua re fieri debeat citatio. Et ſi viderint |huiuſmodi| conſeruatoȝes, quod petatur citacio de aliqua re, cuius cognitio ſpectat ad foȝum regium, huiuſmodi conſeruatoȝes nec citationem faciant, nec cognoſcant. Et ſi aliter fecerint conſeruatoȝes, reſpondeant parti leſe de damnis, et nihilominus verſus dominum regem grauiꝰ puniank. Et quia hȝmodi pȝiuilegiati impetrāt cōſeruatoȝes, ſubpȝioȝes, ꝑntatoꝝ ſacriſtas, religioſos, ꝙ nihil hȝit vnū leſis aut

domino

domino regi satisfacere possint, qui andatie-
res sint ad ledendū dignitatem domini regis
quam eorum superiores, quibus per eorum
temporalia pena potest infligi, Caueant &
cetero prelati huiusmodi obedientiariorum,
ne permittant obedientiarios suos assume-
sibi iurisdictionem in preiudicium domini re-
gis et corone sue. Quod si fecerint, pro facto
ipsorum respondeant sui superiores ac si de pro-
prio facto suo convicti essent.

¶ Fees. 2. Cap. 44.

¶ De custodibus hostiorum in itineribus
virgam portantibus coram iustic̄ de banco:
ordinat est qō de qualibet assisa & iurata qui
custodiunt, capiant decē denarios tm̄, de chi-
rographis nihil. De his q̄ recuperant dem̄-
das suas versus plures per defaltam, reddi-
tionem, vel alio modo per iudiciū sine assisa
vel iurat, nihil. De his q̄ recedunt sine die
defalt petentis, vel querentis nihil capiant.
Et si quis recuperauerit demandam suam
versus plures per vnum breue, & per recog-
nitionem assise vel iurate, de quatuor dena-
rijs sint contenti. Et similiter si plures in v-
no breui nominati per recognitionem assi
vel iurate recuperauerint demandā, de qua-
tuor denarijs sint contenti. De his qui fac-
unt homagium in banco, de superiori panno
sint contenti. De magnis assisis, attinctis in-
ratis, & duello percusso xij. ō. tm̄ capiant. De
his qui vocati sunt coram iustic̄ ad sequend,
vel defendendō placitum suum, nihil capiāt p
egressu vel ingressu. De placita coronē di
quolibet

qualibet duodena. xij. ð. tantum capiant. De quolibet prisonario deliberato. 4. ð. tantum capiantur. De quolibet, cuius pax proclamata fuerit. i. ð. tantum capiatur. De inuentoribꝰ occisorum et aliis attachiat̃ vill' quatuor denarij. De decinarijs hominibus al', de quatuor hominibꝰ & preposito ac denarijs nihil nihil capiatur. De chirographarijs pro chirographo faciendo statutũ est, qđ de quãtuor solidis sint contenti. De clericis scribentibus bꝛia originalia et iudicialia statutum est: qđ p vno breui de vno denar̃ sint contenti. Et iniũgit dñs rex omnibꝰ & singulis iustic̃ suis in fide & sacro quibus ei tenentur, quod si huiusmodi ministri contra predictum statutum in aliquo articulo venerint, et querimonia ad eos perueniat, penam eis infligant rationabilem. Et si iterum deliquerint, maiorem penam eis infligant, qui castigari merito debeant. Et si tertio deliquerint, et super hoc cõuicti fuerint, si sint ministri de feodo, amittãt feod̃ suum, et si alij sint, amittant cur̃ regis nec redeant sine ipsius regis speciali precepto aut gratia.

¶ Execucion. 3. Cap. 45.

¶ Quia de his que recordata sunt coram cancellaria dñi regis, et eius iustic̃ q̃ recordũ hñt et in rotulis eorum irrotulat̃, non debet fieri processus placiti p sum̃. attachiamẽta, essoñ, visus terre, et alias solempnitates cur̃, sicut fieri consuenit de contract̃ & conuentionibus factis extra curiam, obseruandum est de cetero quod ea que inueniuntur irrotulat̃ coram

coram his, q̄ recordum hñt, vel in finibus content siue sint contractus, siue conuentiones siue obligaciones, siue seruitia, aut consuetudines, recognita, siue aliqua quecunq irrotulat, quibus cur domini regis (siue iuris & consuetudinis offenso) auctoritatem prestare potest, talem de cetero habeant vigorem quod non sit necesse in posterum de his placitare, sed cum venerit conquerens ad cur domini regis, si recens sit cognitio, vel finis leuat videlicet infra annum. statim habeat breue de executione illius recognitionis facte. Et si forte a maiori tempe transacto facta fuerit illa recognitio, vel finis leuatus, precipiat vic quod scir faciat parti, de qua sit q̄rimonia, qd sit ad certū die corā iustic, ostēs (si quid sciat dicere) quare hm̄odi irrotulat, vel in fine content executionem habere non debeant. Et si ad diem non venerit, vel forte venerit, & nihil sciat dicere, quare executio fieri non debeat, precipiatur vic, qd rem irrotulat, vel in fine content exequi faciat. Eodem modo mandetur ordinario in suo casu, obseruat nihilominus quod | W.2.ca.9 | supradictum est de medio, qui per recognitionem aut iudicium obligat e[illegible]d acquietand. 13. E.1. Mercatoribus.

¶ Approuer.2. Cap.46

¶ Cum in statuto edito apud Mertoñ. ca 4. concessum fuerit, quod domini vastorum boscorum, et pasturarum appruare se possint de vastis boscis, et pasturis illis, nō obstāte contradictione tenentium suorum, dūmodo

tenentes

tenentes ipſi haberent ſufficientem paſturā ad teñ ſua, cum libero ingreſſu & egreſſu ad eād. Et pro eo quod nulla fiebat mentio int̄ vicinum et vicinum, multi domini vaſtorū boſcorū, & paſtuū huiuſcq; impediti extiterint per contradictionem vicinorum ſufficientem paſturam habentiū. Et quia forinſeci tenētes non habent maius ius communicandi in boſco vaſto, aut paſtuū alicuius domini, quā proprij tenentes ipſius domini: ſtatutum eſt de cetero quod ſtatutum apud Wertoñ pronūciatum inter dominum et tenentes ſuos, locū habeat de cetero inter dominos vaſtorum, boſcorum, et paſturarū & vicinos, ita quod domini huiuſmodi vaſtorum boſcorum, et paſtuū ſalua ſufficienti paſtura hominibus ſuis et vicinis, appropriare ſibi poſſint de reſiduo. Et hoc obſeruetur de his qui clamant paſturam tanquam ptinentem ad teñ ſuum. Sed ſi quis clamat communiam paſtuū per ſpeciale feoffamentum, vel conceſſionem ad certū numerum auerioꝝ, vel alio modo, quā de iure cōi habere deberet, cum conuentio legi deroget, habeat ſuū recuperaī, quale habere deberet p formā conceſſionis ſibi facte. Occaſione molendini ventricij, bercarie, vaccarie, neceſſarij, augmentationis curī, aut curtilagij, de cetero non grauetur quis p aſſiſam noue diſſeiſine de communia paſture. Et cum contingat aliquando, quod aliquis ius habens appropriare, foſſatum aut ſepem leuauerit, et aliqui noctanter, vel alio tali tempore quo non credant factum eorum ſciri,

foſſatū

fossatum aut sepē prostrauerint, nec sciri poterit per veredictum assise aut iurate, q̄ fossatum aut sepem prostrauerint, nec velint homines de villatis vicinis indictare de hm̄odi facto culpabiles, distringantur propinque villate circum adiacentes leuar̄ fossat̄ aut sepem, ad costum proprium. et damna restituere.

¶Assise.7.

¶Et cum aliquis ius non habens cōicādi vsurpet communiam tempore quo heredes infra etatem extiterint, vel vxores sub potestate virorum suorum existentes, vel pastur̄ sit in manu tenentium in dotem, per legem Anglie vel alit̄ ad terminum vite, vel annor̄ vel per feodum talliatum, et pastur̄ illa diu fuerint vsi, multi sunt in opinione qd̄ hm̄odi pasture debent dici pertinere ad liberum ten̄, et qd̄ huiusmodi possessori cōpeter̄ debet actio per br̄e no.diss.si ab huiusmodi pastur̄ deforc̄, sed de cetero tenend̄ est qd̄ habētes huiusmodi ingr̄m a tempore quo currit breue mortis antecessoris | s.del commencemēt del H.3.p.W.1.ca.38 | si antea communiam non habuerūt, nō habeant recupar̄ per br̄e nouē disseisine si fuerint deforciati.

¶Fish & Fishings.1. Cap.47,

¶Prouisum est quod aque de Humbre, Ouse, Trent, Done, Arre, Derewent, Wherff. Niddior̄, Swale, Tese, Tyn̄, Ede et omnes alie aque | in regno | in quibus salmones capiunt̄, ponant̄ in defenso, quo ad salmones capiēdos, & die Natiuitatis beate

Marie

Marie, vſq; ad diem ſancti Martini. Et ſimiliter quod ſalmunculi non capiantur, nec deſtruantur per retia, nec per alia ingenia ad ſtagna molendinorum, a medio Aprilis vſq; ad natiuitatem ſancti Johannis Bap. Et in partibus vbi huiuſmodi riparie fuerint, aſſignentur conſeruatores iſtius ſtatuti, que ad hoc iurati ſepius videant et inquirant de huiuſmodi tranſgē, & in prima tranſgē puniantur per combuſtionem retium, & ingeniorum ſuorum. Et ſi iterato deliquerint, puniantur per priſonam quarterij anni. Et ſi tercio deliquerint, puniantur per priſonam totius anni. Et ſic multiplicata tranſgreſſione, creſcat pene inflictio. | Anno. 17. R. 2. cap. 9.

¶View. I. Cap. 48.

¶De viſu terre ordinatum eſt et ſtatutum quod de cetero non concedatur viſus niſi in caſu quando viſus eſt neceſſarius. Sicuti ſi aliquis amittat teñ per defaltam: et ille qui amiſit ſuſcitet aliud breue ad petendum idem teñ. Etiam caſu quando aliquis per exceptionem dilatoriam caſſat breue poſt viſum terre ſicut per non tenuram, vel male nominando villam vel huiuſmodi, ſi ſuſcitet aliud breue, in hoc caſu et in ſuperiori de cetero non concedatur viſus, dummodo viſum habuerit in prioribus breuibus. In breui de dote competatur dos de teñ, quod vir vxoris alienauit tenenti aut eius anteceſſori, cum ignorare nō debeat tenens, quale teñ vir vxoris alienauit ſibi vel anteceſſori ſuo licet vir non obijt ſeiſ-

tus, nihilominus tenenti de cetero non ex visus concedendus. In breui etiã de ingressu cassato per hoc quod petens nominauit male ingrm, si petens suscitet aliud breue de alio ingressu si tenens in priori breue visus habuerit, in secundo non habebit. In omnibus etiam breuibus p que teñ petunt ratione dimissionis, quam petens vel eius antecessor fecit tenenti, et non eius antecessori, sicut quod ei dimisit, dum fuit infra etatẽ, non compos mentis, in prisona; & consimilibus, non iaceat de cetero vis, sed si dimissio facta fuerit antecessori iaceat visus sicut prius.

¶ Champartye. 2. Cap 49.

¶ Chaunceller, Treasorer, Justices ne nul del counsell le roy, ne clerke de la chaunccerye. ne del eschequer, ne de Justice, ne dauter ministre, ne nul del hostell le roy, ne clerke, ne lay ne puis resceiuer esglise, ne aduowson de esglise ne terre, ne tenemt en fee, done, ne per achate, ne a ferme, ne a champarty, ne en auter maner, tanch come le chose est en plee deuant nous, ou deuant nul de nous ministres, ne nul lowerient soit pris. Et qui encounter cest chose face, ou par luy ou par auter, ou nul | bargaine ent | face, soit punys a la volunte le roy auxibien celuy que le purchasera come celuy que le fra. | 11. E. 1. champartie 1. articul' super chartas ca. 11. |

¶ Omnia predicta statuta incipiant conseruari ad festum sancti Michaelis proximo venturum, ita quod occasione aliquorum delictorum contra aliquod predictorum statu-

statutorum citra predictum festum perpetratorum pena delinquentibus (de quibus mētio fit in statutis non infligatur.

¶Accion on the statute. I. Cap. 51

¶Super vero statutis in defectum legis ad remedia editis, ne diutius querentes cum ad cur̄ regis venerint recedant de remedio desperati, habeant breuia sua in suo casu prouisa, sed nō placitent p̄fig̃ post festū sancti Michaelis supradictum.

¶Explicit statut̄ de westm̄ secunde.

¶Statutum de Mercatoribus edit̄ Anno. xiij. E. j.

¶Recognisaunce &c. 2.

DUr ceo que merchants, queux auant ceux heures ont a prest lour auoier a diuers gentes, sont chies en pourrtye, pur ceo que nauoient pas si ready ley puruen, per la quel ils purroyent lour dettes hastiement reconerer au tour assys de la paye, et per cel encheson, sount multes des merchaunts sustretes de veyer en cel terre ove lour

merchandises, au dam̄ des merchantes & de tout le Roialme: nostre seigniour le Roy per luy & per son counsel a son parliament quil tient a Acton Burnel, apres la seint Michael, lan de son raigne xi. fist & ordeign̄ les establishmentes sur ceo, a remedie des merchantz, les queux ordeinements et establishments le roy commaunda que tenus fuissent et firmement gardes en tout son roialm̄, dont merchantes ount ewe remedy et meins des mischieues et trauailes de recouer lour dets que auant ne soilent Mes pur ceo que marchantes puis soy pleindront au roy que les vic̄ malement enterpretont son estatute, et ascune foitz per malice & per male interpretacion delaieront lexec̄ del estatute, au grād dam̄ des merchants. Le Roy a son parliam̄t a Westm̄, apres la Pasche, lan de son raigne. xiij. fist reciter lauantdit statute fait a Acton Burnel, et pur declarer ascuns articles de lestatute auantdit, ad ordeigne et estably que merchant que voit estre sure de sa dette, face venir son dettour deuant le Maior de Londres, ou deuant |auter| chiefe gardeine de cel citie, ou dauter bon ville, ou le roy ordeigner et deuant le Maior ou chief gardeine, ou auter probe home, a ceo esleu et iurre, quaunt le Maior ou chiefe gardeine ne poient a ceo entender, & deuant vn des clerkes q̄ le roy a ceo assignera, quant ambideux ne poient a ceo entend̄, conus la dette & le iour de la paiment, & soit le recognisans enroll' de le main dune des auantdit clerkes que serra conus:

et

et le rolle serra double, dont lune demurge vers le Maior ou chiefe gardeine, et lauter vers le clerke, que a ceo serra primes nosm̄. Et ouster ceo vn des auantdits clerkes de sa maine face iescript del oblig̃ a que escript soit mise le seal' de dettour, oue le seale le roy que a ceo est purueu : le quel seale serra de deux pieces, dont la greinder piece demurra en la gard̄ le Maior ou le chiefe gardeine, et lauter piece en la main̄ le auauntdit clerke. Et si le dettour ne rendra la dette au iour q̄ a luy est assesse, cy veigne le merchaunt au Maior et clerke oue sa letter del oblig. Et si troue soit per rolle, ou per letter, que la dette fuit conus, et le iour de paiment assis, soit passe, cy face le Maior ou chief gardein prē-der le corps le dettour (sil soit lay) q̄l heure quel soit troue deins lour power, & liuerer al prison̄ de la ville, si prison y soit, & la demur-ge a ses costages propres, iesques a tant q̄l eit fait gree de la dette. Et commaund̄ est que la gardeine de la prison de la ville, le resceyue per le liuere del Maior ou le chiefe gardein. Et si ne luy voill' resceiuer, cy respoign̄ main tenant le gardeine de la prison de le dette, sil ad de quoy. Et sil nad de quoy, respoign̄ ce-luy que la prison luy baill' a garder. Et si le dettour ne puit estre troue en le power le Maior ou le chiefe gardeine, donq̄ maund̄ le Maior ou chiefe gardeine desouthe le seal' del roy auantdit al Chaunc̄ la reconus fayt de la dette. Et le Chaunc̄ enuoiera briefe al vicount en que baillie le dettour serra troue,

que il preigne son corps, sil soit laye, et en safe prison luy gard̄, iesques a taunt quel ad fait gree de la dette. Et de deins vn quarter del an apres ceo que il serra prise, eit les chateux et ses terres deliueres, issint que ꝑ les soiens puisse leuer et paier la dette. Et bien luy list deins cel quarter del an, terres & tenementes vendre pur ses dettes acquiter, et sa vende serra ferme & establye. Et sil ne face gree deins le quarter, apres le quarter passe soient liueres al merchant toutes les biens del dettour, et touts ses terres per reasonable extent, a tener iesque a taunt que le dette serra leue pleinment. Et la le pluis tard̄ le corps demurge en prison, come deuant est dit. Et le merchant luy troua paine & eawe. Et eit le merchant en ceux tenementes liueres a luy, ou son assigne tiel seisine quel puisse porter briefe de nouel disseisine, sil soyt engette, & redisseisine auxy come de franktenement, a ten̄ a luy & a ses assignes, tanqꝫ la dette soit paye. Et apres la dette leue & paye soit le corps le dettour deliuer̄, oue sa terre. Et en les briefes que le Chaunc̄ enuoyera, soit mencion fait, que le visc̄ certifia les iustices de lune banke ou de lauter, coment il auer̄ perfourme le commaundem̄t le roy a vn certeine iour: a q̄l iour le merchant, si sō gree ne soit fait, sua deuant les Justices. Et si les visc̄ ne retorn̄ nul brief, ou retorn̄ que le br̄e vient trope tard̄, ou quilz ont maūdes as bailifes des fraunchises, si facent les Justices solonqꝫ ceo que est contenue en le darreyne

esta-

eſtatute de Weſtminſter/ca.39. Et ſi p cas le vicont maund̄ que le dettour neſt pas troue ou ſoit clerke, cy eit le merchant b̄es a toutz les viſconts ou il auera terre, quilz luy liue-ront touts les chateux, & toutz les tenemētz le dettour per reaſonable extent, a ten a luy et a ſes aſſignes en la fourme que eſt auant dit. Et ialemeins eit b̄riek a quel viſcont que il voudra, de p̄zender ſon coz̄ps ſil ſoit laye, & a tener de ſa fourme auantdit. Et byen ſoy garde le gardeine del p̄iſon, que luy co-uiendza reſponder del coz̄ps, ou de la dette. Et apz̄es ceo que les terres le dettour ſont liueres al merchant, bien purra le dettour ſa terre vendze, iſſint que le merchant neit da-mages de les app̄zouements. Et ſalues ſoi-ent toutz iours al merchantes, damages, et touts coſtages neceſſaries et reaſonables en trauailes, ſutes, delaics, et diſpenſes. Et ſi le dettour troua pledges que ſe conuſt eſtre p̄zincipales dettours, apz̄es le iour paſſe ſoit fait de les pledges en touts choſes come de-uant eſt dit de le p̄zincipalle dettour quant a coz̄ps p̄zendze, & terres liuerer, et auters choſes. Et quant les terres les dettours ſoi-ent liueres au merchātez: il eit ſeiſin de toutz terres queux fuerunt en la maine le dettour le iour de la reconuſance fait, en que maines que ilz ſerront apz̄es deuenus, ou per feoffe-ment, ou per auter maner. Et apz̄es la dette paie les fres & iiſſues des terres des dettoz̄z per feoffement, retournent auxibien arrere al feoffee, come les auters terres as dettours.

Et ſi le dettour, ou les pledges mourge nett le marchant power de prender le corps del heire, mes ett ſes terres, come auant eſt dyt, ſil eſt dage, ou quaunt il ſerra de pleine age; ieſque a taunt quil ad leue des terres le amountance de le dette. Et ſoit purueu vn auter ſeale que ſeruera a faires. Et icel ſeale ſera enuoy a cheſcune faire de ſouth le ſeale le Roy, per vn clerke iurre ou per le gardeyne de la faire. Et per le comminalty des merchantes de la Citye de Londres, ſoient eſlieux deux loialz merchantes, queux facent le ſerement, & deuant eux ſoit le ſeale ouerte, et lune piece ſoit baille a les auauntdites merchantes, & lauter demourge vers le clerke, & deuaunt eux, ou de lune des merchantes, ſi ambideux ne poient attendre. ſoient les conuſances faitez, ſicome deuaunt eſt dit. Et auaunt ceo que le recouſance ſoit enrolle, ſoit la peine del auauntdit eſtatute appertinent luy deuaunt le dettour: iſſint quil ne puiſſe auterfoits dire, que vn luy miſt a auter peine que a cel a que il ſoy oblig. Et a ſuſteiner les coſtages de lauantdit clerke, ſi prendra le roy de cheſcune li. i. ð en cheſcune vill' ou le ſeale ſerra mis, forſpriſe faires, ou il prendra trois mailles de |cheſcune| li. Ceſt ordeinement et eſtabliſhment voit le roy, que deſormes ſoit tenus per tout ſon roialme Dengleterre et Direland entre q̄l gents que ceo ſoit que de lour eigñ degree, celz reconuſ. voudr ōt faire forpris Jewes, as queux ceſt eſtabliſhment ne ſe extient. Et per ceſt eſtatute & eſtabliſh-

ment

ment ne soit bre de det abatus. Et ne soyt le chaūcell', barons del eschequer, Justices de lune & de lauk bank, ne iustic errants forclos de prendr reconus. des dets deuant eux faitz et conus, mes les execucions de reconus. deuant eux faitz ne soient pas faitz per la forme auantdit, mes per la ley et lusage auant vses & purueux aillours en auter estatuts | vz W. 1.ca.45. | bre fundatū sup statutum predict.

¶ Rex vic saltm. Quia coram tali maiore, vel custode talis ville, vel coram custode sigilli nostri de mercatoribus in nundinis de tali loco & tali clerico nro recognouit A. se debere B. tantum, quod soluisse debuit tali die et tali anno, quod idem B. nondum soluit, vt dicit. Tibi precipimus, quod corpus predicti A. si laicus sit capias, et in prisona nra saluo custodir facias, quousq; predicto B. de pred debito plenarie fuerit satisfactū. Et qualiter hoc preceptum nostrum fueris execut, scire facias Justic nostris apud Westm &c p litteras tuas sigillatas. Et habeas ibi hoc breue Teste.

&c.

¶Statut' de Westm̄ 3. edit'.
Añ. xviij. E. j.

¶Tenure. 4.

Quia emptores terrarum & tenementorum de feodis magnatum & aliorum dominorum, in preiudicium eorundem, temporibus retroactis multociens: in feodis suis sunt in gr̄i, quibus liber̄ tenentes eorundem magnatium & aliorum terras et tenementa sua vendiderunt, tenend̄ in feod̄ sibi & heredibus suis de feoffatoribus | et heredibus | suis & non de capitalibus dominis feodorum, per quod ijdem capitales domini eschaetas maritagia, et custodias terrarum et tenementorum de feodis suis existentium sepius amiserunt, quod quidem eisdem magnatibus et alijs dn̄is quam plurimum durum et difficile videbat̄, & | sic | in hoc casu exheredacio manifesta. Dominus rex in parliamento suo apud Westm̄ post Pasch. añ regni sui xviij. videlicet in quindena sancti Joh. Bap. ad instantiam magnatum regni sui concessit prouidit, & statuit quod de cetero liceat vnicuique libero hoī terras suas, seu tenementa sua, seu partem inde ad voluntatem suam vendere, ita tamen quod feoffatus teneat terram illam, seu ten̄ illud de capitali domino feodi illius per eadem seruitia & consuetudines, per que feoffator suus illa prius

de

/de eo/tenuit.

¶ Et si partem aliquam earundem terrarum, seu tenementorum alicui vendiderit, se offatus/ ille partem/ illam teneat immediate de capitali domino, et oñet statim de seruicijs quantum pertineat siue pertinere /dz eidem capitali domino pro particula illa, secundum quantitatem terre seu teñ sic venditi. Et sic in hoc casu decidat /eidem/ capitali domino ipsa pars seruitij per manus feoffati capiendo et quo feoffatus/ debet/ eidem capitali domino iuxta quantitatem terr seu teñ venditi de particula illius seruitij sic debiti esse intendens e respondens. Et sciendum est quod per predictas vendiciones, seu emptiones terrarum, seu teñ, aut ptis alicuius earundem, nullo modo pñt terre seu teñ illa in parte vel in toto ad manum mortuam deuenire, arte vel ingenio contra formam statuti super hoc dudum editi /7. E. 1. de Religiosis./ Et sciendum est quod istud statut tenet locum de terris /seu teñtis/ venditis tenendo in feodo simplici tantum. Et quod se extendit ad tempus futurum. Et incipiet locum tenere ad festum sancti Andree apli proximo futur. A ñ regni regis E. filij regis H. xviij.

¶ Explicit statut Westm iij.

¶Modus leuandi fines edit. Añ.18.E.primj.

¶Fines.3.

QUant le brief original soit lieu en presence des parties deuãt Justices, dõques dirra vn coũtour issint. Sir iustice, coũge daccord, Le Justic̃ luy dirr̃ q̃ dirra. Sir Robert, & nosmera vn des parties. Donq̃ quant ilz serront agree de la summe del pecune que est done al roy donques dira le iustic̃ Cries la peace. Et puis dira le countour, issint que la peace est tiell', a vous conge, que Willim̃ & Alice sa feme, que cy sont recognisont le maner de B. oue les appurtenaunces contenus en le bre, estre droit du R. cõe cell' que il ad de lour done, a auer et tener a luy & a ses heires, de W. et Alice, & les heires A. come en demesne, rents, seigniouries, courtz plees, purchases, gard̃ mariages, reliefes, eschetes, molins, auowsons de esglises, & toutz auters franchises, & franke customes al auantdits mañ appertenant, rendant per an a N. & ses heires chiefes seigniours de fee, seruice due, & customes pur touts seruices. Et fait assauoir que order de ley ne suffre mye, que final accorde soit leue en la courte le roy

sans

sans brefe original, & ceo a tout le meins deuant iuy. Justices en banke, ou en eyre, et non pas ailleurs, & en presence des parties nosmes en briefe, queux soient de plaine age et de bone memorie, et hors de prison. Et si feme couert de baron soit vn des parties, dōques couient que el soit primerment confesse de iuy. Justices auauntditz. Et si el nassent al fine, ne ceo liuera mie. Et la cause pur que tiel solempnitie doit estre fait en cel fine est, pur ceo que fine est si haute barre, & de si graunde force, et de si puissant nature en soy, que el forclos nemy solement ceux queux sont parties et priues a la fyne, et lour heyres mes toutes auters gents du monde, qux sont de pleyn age, hors de prison, et de bon memorie, et deins les iuy. meres, le iour del fine leue. Ils ne mettront lour claime de lour accion pur le pais deins lan et le iour.

|vide placito fo.354|

¶Statut de vocat ad warr edit Añ.xx.E.j.

¶Voucher.5.

CUm tenens implacitatus in placito terre temporibus retroactis vocauerit aliquem ad warrant, & petens super hoc verificare voluerit /quod nec vocatus, /nec aliquis antecessorum suorum a tempore seisine /antecessoris/ ipsius petentis fuerit in seisina de ten predictis, nec in dominico nec in seruitio, sed si ille vocatus ad warrant fuerit presens et gratis tenenti warrantizare voluerit, predicta verificacio petentis admitti non consueuit, nisi vocatus absens fuerit, & hec ratione cuiusdam statuti domini regis nunc editi inter cetera statuta /sua pm Westm. capit 39./ propter quod dns rex animaduertens fraudem, decepcionem, et maliciam, et etiam damnum suum, & exheredationem corone sue qđ in casu predicto in cur sua multocies posset interuenire, et isto die interuenerit; Cum quidam ten de ipso rege in capite per baroniam integram in quodam placito pendente coram iustic de banco vocauerint ad warrat de demanda particulariter quosdam garciones, ignot, et extraneos, quos presentes durerint, et quorum antecessores aut ipsemet nunquam in ten que warrantizauerint, aliquid habuerunt, aut in aliquibus terris aut ten aliis in regno suo, neq in dominico neq in seruitio (put a diuersis dni regis fidelib testabatur)

batur) vt ꝑ cautelā illam, fraudem, & maliciam ipsi ꝑ baroniam tenētes auferre possēt dño regi misericordiam suam, in quā inciderint, si petens versus eos demandam suā recuperaret. Et similiter cum graciones warrantizauerint, vr̄z quilibet de portione quam warrantizare debet, in casu vbi duellā iacet possit se defendere per corpus seruientis sui prouisi, a conducti per ipsos baroniam tenētes. Et sic super vno breui, et vna demanda iam fuerunt duo vel tria duella vadiata, qd̄ durum est, et exemplum perniciosum tempore futuro pro pauperibus petentibus versus magnates et diuites, qui se per maliciam predictam defendere voluerint, nec petens contra dictos warrantos, quando vocat̄ fuerint verificationem suam in forma predicta habere possit, eo quod ipsi vocat̄ presentes fuerint et gratis warrantizauerint dominus, rex de consilio suo cōmuni, statuit & firmiter, de cetero, videlicet a festo sancti Hillarij, anno regni sui xx precepit obseruari, quod quicunque tenens aliquem vocauerit ad warrant̄, & petens in forma p̄dicta verificare voluerit admittat̄ eius verificatio, siue vocatus fuerit absens, siue p̄sens nullo habito respectu ad ei⁹ presentiam vel absentiam.

¶ Finis.

¶Statut de defensione iur, edit, Anno.xx.E. j.

¶Receipte.2.

CAm quis aliquod breue domini regis impetret versus tenentē regem Anglie, vel feodum tallatum, vel sub nomine dotis, vel alio modo, ad terminum vite, vel annorum, et petens tantum fuerit prosecutus, quod ten̄ sunt quasi admittēd|e ubi adiudicanda|e super hoc venerit alius ante iudicium redditum a latere, dicens se habere feod, et ius in ten̄ illis, et cū̄ supplicauerit, quod exquo ante iudicium venerit ten̄ sua defendere, et parat inde petenti respondere, ad hoc admittatur, ratione cuiusd̄ statuti domini regis nunc inter cetera ultima statuta West̄m edit|5.W.2.ca.3|per quod statut̄ tam nullum ius habentes, quam illi qui ius habent multocies in casu predicto falso e indeceptionem curie superuenerint, e petierunt se admitti respons̄uū̄, vt per admissionem suam possent petentem elongare de iudicio, et seisina dōe sue habende, e ad faciendum eosdem petentes de nouo placitare, et sic petentes in casu predicto in cū̄ regis sepius elongantur a iure suo, per malicī̄ supradictam, tam de falsitate de predicto statuto superueniente, quam ex iusta causa rationabili, et hoc coram tustic̄ multocies cōtingit e inuenitur, propter quod dominus rex ad ma-

maliciam predictam in predicto casu destruend, remedium, volens apponere in pleno p̄liamēto suo ex cōmuni consilio suo statuit, et firmiter de cetero, vcz a die lune ꝓximo post festum Purificationis beate Marie virginis, anno regni sui.xx.precepit obseruari, qd̄ cum aliquis a latere ante iudicium in casu p̄dicto superuenerit, et petierit se admitti, antequam admittatur inueniet sufficientē securitatem prout cur̄ visum fuerit, ad respōdend̄ petenti de valore exituum ten̄ sic amittendorum a die quo recipitur responsur̄, vsq; ad diem quo iudicium finale fiet super peticionem petentis. Et si ille petens demandam suam recuperet, grauiter amercietur defendens, si habeat vnde. Et si non habeat vnde, comitatur gaole, ad voluntatem regis. Et si verificare poterit i⁹ suum esse tale, quale illud asserit, quando petit ipsum admitti, tunc sit quietus.

¶ Explicit.

¶Statut̄ de finibus leuatis, edit̄ Anno.xxvij.E.i.

¶Fyne.I. Cap.I.

QUia fines in curia nostra leuat̄ finem litibus debent imponere, & imponunt, et ideo fines vocant̄, maxime|cum|post duellum et magnam

assisam in suo casu vltimum locum finalem teneant in perpetuum, iamque per aliquod tempus preteritum, tam tempore clare memorie domini Henrici regis patris nostri, quam nostro, partes eorundem finium & earum partium heredes (contra leges & consuetudines regni nostri antiq̃tus vsitatas) super huiusmodi finibus adnullandis & euacuandis admittebant proponent quod ante finem leuatum, et tempore leuationis eiusdē et postea petentes, seu querentes, aut eorum antecessores de tenementis in finibus cōtentis, aut de aliqua parte eorundem, semper fuerunt seisit, et sic fines huiusmodi rite leuat per iuratores patrie falso subornatos, & maliciose procuratos, multotiens euacuabātur & adnullabantur minus iuste, nos volentes super premissis remedium adhibere, in parliamento nostro ad westm̄ statuimus, quod dicte exceptiones, seu responsiones, vel inquisitiones patrie. super huiusmodi exceptionibus seu responsionibus nullo modo cōtra huiusmodi recognitiones & fines de cetero admittantur. Et nos vero volumus, quod statut istud tam locum habeat ad fines prius leuat, quam in posterum leuandos. Et videant iustic quod note, et fines in curia nostra in posterum leuandi, publice & solemniter legantur, et quod placita interim cessent omnino, et hoc fiat per duos dies in septimana, secundum discretionem iustic.

¶Shiriffes

¶Shirifes.I. Cap.2.

¶Item ordinauimus de consilio nostro, quod vic̃ de cetero non onerent de aliquibus exit̃ leuand̃, nec aliquos leuent, antequã exeant de scaccario per extractas iustic̃ ibidem liberandas. Et quod in extractis iustic̃ singula capita onerentur de exit̃ suis forisfactis sicut e de amerciamentis. Et si forsan aliquis vic̃ responderit de exitibus alicuius recognitoris, vel plegij, seu manucaptores per ipsum oppositi, et in curia nostra retornari qui ad solutionem eorundem exituum seu amerciamentorum tempore retorni non sufficiat, idem vic̃ ad scaccarium nostrum inde oneretur et respondeat. Et caueant sibi vic̃ sub graui forisfactura quod de cetero faciant singulis tallias de denarijs quibuscunq; per preceptum nostrum per ipsos vicecomites & subditos suos receptis. Et quod non retornent alicubi nomina manucaptorum, iuratorum, seu aliorum, nisi ipsi manucaptores, iuratores, seu alij, secundum tenorem breuium nostrum vic̃ inde directorum, ad hoc legaliter et manifeste ponantur. Nec retornent aliqua nomina plegiorum liberorum hominum nisi ipsi manifeste se plegios consenserint. Et super hoc statuimus, quod quodlibet anno semel in anno mittantur vnus baro, et vnus clericus de dicto scaccario nostro per singulos com̃ Angl', ad imbreuiand̃ nomina omnium, qui anno illo debita per veridem ceram ab eis exacta soluerint. Et ijdem baro et clericus tallias illas

videant, & imbreuient, et audiant et terminent querelas super vic̄, & clericos suos, et balliuos contra premissa venient̄, et grauit̄ puniant transgressores.

3 ¶ Quia vic̄, et alij temporibus retroactis latrones notorios, et manifestos, & pro morte hominis, & alijs felonijs capt̄ & imprisonat̄, et q̄ non sunt replegiabiles, ꝑ pleuinā dimiserint, contra formam statuti nostri apd̄ westm̄ editi de his qui sunt replegiabiles, et qui non |s̄. W. 1. cap. 15.| per quod ipsi malefactores irreplegiabiles sunt replegiati, ad quorum deliberationem falso faciend̄, iuratores patrie per se & amicos suos, ante aduētum iustic̄ itinerantium, aut aliorum ad eorum deliberationem assignat̄, procurant et subornant, alijsque minant̄, propter quod tā propter metum vic̄, et aliorum, per talē pleuinam illos dimittentium, quam timorem eorundem latronum seu felonum sic deliberat̄, coram iustic̄ ad gaolas deliberād̄ assign̄ huiusmodi latrocinia & homicidia suffocant̄, & ipsa sic concelata penit⁹ remanent impunita: Nos pro vtilitate regni nr̄i, & pace nr̄a firmius obseruanda, statuim⁹ & ordinauim⁹ qd̄ iustic̄ ad assisas capiend̄ assignat̄, in singulis com̄, vbi capiūt assisas, ꝓut ordinat̄ est, statim post assisas captas in eisdem com̄, remaneant ambo si laici fuerint. Et si vn⁹ ipsorū clericus fuerit, tūc associato illi iustic̄ qui laicus est, vno de discretioribus militib⁹ com̄ illius per breue nostrum deliberēt gaolas in com̄ illis tam infra libertate q̄ extra de prisone

sonarijs quibuscunq;, secundum formam deliberationis gaole com̄ illorum hacten⁹ vsitatam. Et ijdem iustic̄ tunc inquirant q̄ vic̄, & alij, prisonarios irreplegiabiles per pleuinā dimiserunt, vel in aliquo contra formā statut̄ predicti nuper apud westm̄ edit̄ deliquerint: & quos culpabiles inde inuenerint |ipsos| in omnibus secundum formam statuti predicti puniant et castigent. | 28. E. 1. de appellatis,

¶Nisi prius. Cap. 4.

¶ Item cum statuerimus, qd̄ nullus ponat̄ alicubi extra com̄ in recognitionibus, inquisitionibus, et iuratis aliq̄bus, qui minus q̄ C. s terr̄, vel reddit̄ habeat, p q̄ tam ipsi q̄ plus terre habentes propter frequent̄, tam ad scr̄m nostrum q̄ coram iustic̄ nostris de vtroq; banco summonitiones, de pauperentur | 21. E. 1 deponendis in assisis & iuratis. | Nos tant̄ intolerabilem populi nostri iacturam aduertentes, non solum ad eorundē iuratorum exonerationem, sed etiam ad celerē partibus in curia nostra placitantibus iusticiam exhibend̄, statuimus et ordinauimus, quod inquisitiones et recognitiones coram iustic̄ de vtroque banco de cetero adiudicande capiantur tempori vacationis coram aliquo iustic̄ eorundem, coram quibus placitum deductū fuerit, associato sibi vno milite com̄ illius, vbi tales inquisitiones emerserint, nisi fuerit inquisitio, magna indigens examinatione. Et sic in huiusmodi inquisitionib⁹ capiendis de cetero fiat prout iustic̄, ad vtilitatem regni nostri potius esse viderint faciēd̄,

non obstante statuto nuper apud Westm̃. |1. cap. 30. |super huiusmodi inquisitionib⁹ capiend̃ edit. continent quod si omissa forma in statuto illo ordinat̃ aliqui inquisitiones capiantur, pro nullis penitus habeantur. Dat̃ apud Westm̃ secundo die Aprilis. Anno regni nostri. xxvj̃. |12. E. 2. capit̃. 3. De statuto Eboracent̃.

¶ Explicit statut̃ de finibus leuatis.

¶ Articuli super Chartas, editi Anno. xxviij. E. i.

PAr ceo que les pointes de la graunde Charter, des fraunchis. & de la foreſt les queux le roye Henrye pier noſtre ſeignour le roy que ore eſt, graunta a ſon people pur le priue de ſon roialme, ne ont pas eſte tenus, ne gardes auant ces heures, pur ceo que auant ces heures peine ne fuite eſtablie vers les treſpaſſants countre les pointes des Charters auauntdytes. Noſtre ſeignour le roy les ad de nouel grãt renouel et confirme. Et a la requeſtes des prelates, counties, & barons a ſon parliament a Weſtminſter, en quareſme, lan de ſon reigñ xxviij. ad certaines points affirm̃, & pein ordeigne, et eſtable encounter touts iceux, que encounter les pointes des auauntdits charters

ters.ou nul poynt de eux,en nul mañ vyendrōt,ou misprēdrent,en la fourm̄ q̄ sensuit.

¶Confirmacion.2.

¶Cestascauoire que de cy en auaunt la graund̄ charter des fraunchises Dengletre, grant a tout la commune Dengleterre, et la charter de la forest en mesme le manet grāt, soyent tenus,gardes,et mayntenus en chescune article. et chescune point , auxi pleynment come le roye les ad graunt , renouele, & par sa charter confirme. Et que cels charters soient baillez a chescune viscount Dengleterre desoubes le seale le roy, a lire quater foites par an deuant le people en playne countie: cestascauoir au procheine countie apres la saint Michell,au procheine coūtie apres le Noel,au procheine countie apres la Pasque; & au procheine countie apres la saint John Baptist. Et a ceux deux charters en chescune point, et en chescune article dicel, firmement tenir, et garder ou remedye ne fuit auant par la common ley,soyent eslieus en chescune countie per la cōmen de mesme la countye troys prodes homes chiualers ou auters loialx,sages, & auises, que soient iures et assignes per les letters le roy onts de son grande seale,de oyer et terminer,sans auter briefe que lour commen grant, les pleintes que se ferront de toutes iceux , que contreuiendront ou mesprendront en nul des dits poyntes des auauntdits charters en coūties ou ils sōt assignes, auxibien dedeins franchises,come de horz, &

auxibien des miniſters le roye, hoꝛs de lour places, come des auters, et les pleintes oyer de iour en iour ſauns delay: et les terminer ſans allower les delaies, q̄ ſont allowes par la comen ley. Et que meſme ceux chiualers, eyent poier de punir touts ceux que ſerrront atteints de treſpas fait encounter nul poynt des chartres auantdites, ou remedy ne fuit auant par la comen ley, auxi come auant eſt dit, par impꝛiſonment, ou par raunſom, ou p amerciament, ſolonque ceo que le treſpas le demand̄. Et par ceo nentend̄ pas le roy, ne nul des ſoiens que a ceſt oꝛdeignement fuꝛrent, que les chiualers auantdits, teignent nul plee par le poꝛwer que done lour ſoit, en cas ou auant ces heurs fuit remedy puruen ſolonqꝛ la comen ley par bꝛiefe: Ne que pꝛeiudice ſoit fait a la comen ley, ne a les charters auantdits, en nul de lour points. Et voeſle roy, q̄ ſi touts trois ne ſoient pꝛeſentes, ou ne purront a touts les foits attendꝛe, a faire lour office en la foꝛme auantdit, q̄ deux des trois le facent. Et oꝛdeign̄ eſt, q̄ les viſcontz et les baillifs le roy ſoient attendantes a les cōmandemēts des auantdits Juſtices, en quāt q̄ appēt a lour office. Et ouſtē ces choſes grantes ſur les points des charꝛs auāt-dits, le roy de ſa gꝛace eſpecial, en allegeance des greuances, que ſon people ad eu par les guerres que ont eſte, et en amendement de lour eſtate, et pur tant q̄ ils ſoient plus pꝛeſtes a ſon ſeruice, e plus voluntiers aidants, q̄ſt il en auē a faire, ad grant aſcuns articlez

les q̄ux

les queux il entendō que tyendzont auxi byen lyeu a ſon people, et auxi graunde pzofyte ferront, ou plus, que les poyntes auant grantes.

¶ Purueiours. 4. & 5. Cap. 2.

¶ En pzimes pur ceo q̄ vn grand̄ grenāt eſt en ceſt roialme, et dam̄ ſans number, de ceo que le roy et ſes miniſters de ſa roialm̄, auribien les aliens come les denizens, font lour pziſes par la ou ils paſſēt par my le roialme, & parnent les biens des gents, des cleres, & des lais, ſans rien paier, ou bñ meines que la value. Dzdeine eſt, que de cy en auant nul ne pzeign̄ pziſes par mie le roialm̄, fozſq̄ les parnours le roy, et les puruetours pur loſtell' le roy. Et q̄ les pnours le roy, & puruetours pur ſon hoſtell' ne pzeignent ryens, fozſque pur meſme loſtell'. Et des pziſes que ils ferrount par mie le pais de manger ou de boire, et des auters menus neceſſaries pur loſtell', que ils facent la paie ou gree a ceux, des queux les choſes ſerront pziſes. Et que toutes ceux parnours le roye, puruepours, ou achatours, eyent de cy en auant lour garrantie ouesque eux du graunde ſeale ou vn petite ſeale le roy, conteignant lour poiar, et les choſes dont ils ferront pziſes, ou puruei-ance, le quel garrant ils mōſtrent a ceux des queux ils ferront la pziſe auant, ceo que ils empzeignent riē. Et que ceux parnourz, puruepours, ou achatours le roye, ne pzeignent plus que beſoigne, et meſtre ne ſoit pur l'roy et ſon hoſtell', et de ſes enfants. Et que rienz

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ne preignent pur ceux que ſont as gages, ne pur nul auter. Et que ils reſpoignent en loſtell', ou en la gardrobe pleinment de toutes lour priſes, ſans faire lour largeſſes aillorz, ou liueries des choſes. que pur le roy ſerrūt priſes. Et ſi nul parnour del hoſtel le roy, q̄ garrantie que il eit, face priſes, ou liueres en auk maner, que deſuis neſt dit, par plaſt fait al ſeneſchall', et au treaſorer del hoſtel le roy, ſoit la veritie inqſe. Et ſi de ceo ſoit attaint ſoit gree maintenant fait al plaintife, et ſoyt ouſte de ſeruice le roy pur toutes iours, et demurge en priſon a la volunte le roy. Et ſi nul face priſes ſans garranty, & les emporte encounter la volunte de celuy, a que les biēs ſont, ſoit maintenant arreſt par la ville, ou le priſe ſera fait, et ameſne a la p̄chein gaole. Et ſi de ceo ſoit attaint, ſoit la fait ō luy, cōde laron, ſi la quantitie des biens le demand Et quant as priſes faire en fairez, & en bons villes, & en portes pur la grande garde robe le roy, eient les parnours lour commen garrant par le grand ſeale. Et des choſes que ils prendront, eient la teſmoignū du ſeale du gardein de la garderobe. Et des choſes iſſint p̄ eux priſes, de nombre, de quantitie, et de value ſoit fait diuidendō entre les parnourz & les gardeins des fairez, maiorz, ou chiefe baylifes des villes, et portes par le vieu des merchantes des queux les biens ſerront iſſint priſes. Et riens ne luy ſoit ſuffer de p̄dre, que il ne mette en diuidende. Et cel diuidende ſoit port en gardrobe ſoubes le ſeale

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le gardein, maioz, ou chiefe baillike auant ditz et la demurge tanqz sur laccompt du garderobe le roy. Et sil soit troue que nul eit auſment pzise que faire ne deuerott, ſopt puny sur laccompt par le gardeyne de le gardzobe le roy, ſolonqz ſa deſerte. Et ſi nul face tyelx pzises ſans garrante, et ſur ceo ſoit attaynt ſopt fait de iuy come de ceux que font pzyſes pur ioſtell' le roy ſans garr̄, come deſuis eſt dyt. Et nentende mye le roye, ne ſon counſaile, que par ceſt eſtatut rien decreſſe au roy de ſon dzopt des auncient pziſes dures et accuſtomes, come des vins. et autres biens: meſque en toutes pointes pleynment iuy ſoit ſaue.

¶ Marſhalſie. I. Cap. 3.

¶ Des eſtates des ſeneſchalx, & des marchalx, & des plees que eux deuoient tenir, et comēt, ozdeine eſt que deſozmes ne teign̄ plee de franctenement ne de dette, ne de couenant, ne de cōtract des gēts de people, forſqz tant ſolement de trñs del hoſtell', et dauters treſpas fait de deins la berge, & ds cōtracts et couenantes, que aſcune del hoſtell' le roye auera fait a auter de meſme ioſtell', et en m̄ le hoſtell', et nemy aillours. Et nul plee de treſpas ne piedzont, auter que ne ſoit attach̄ par eux, auant ceo que le roy iſſera hozs de la berge ou la treſpas ſerra fayt. Et les plees haſtiuement de iour en iour, iſſint q̄ ils ſoient p̄ pledes et termynes auant ceo que le roy iſſer̄ hozs des bondes de cel berge, ou le treſpas fuit fait. Et ſi par cas dedeins les

bondes

bondes de cel verge ne poient estre termins, cessent tielx pleez deuant le seneschall', & soient les plees a la comē ley. Ne desormes ne p̄ig ne le seneschall' conusāces des dets, ne douter chose, forsque des gentes del hostell' auāt dit, ne nul auter plee ne tiendr̄ par obligac̄ fayt a le distresse le seneschall' ou de mareschall'. Et si le seneschal, ou le mareschals riē facent encounter cest ordinance soit lour fayt tenus pur nul. Et pur ceo que auant ses heures mults d̄s felonies faits dedeins la verge, oūt este depunis, pur ceo que les coronerz du pais ne se ount pas entre mis denquerer dez tielx maners des felonies dedeines la verge, mes l' coroner del hostel le roy, que est passāt de quoy issue nad mie este fait en du maner, ne les felons mise en exigent, ne vtlages, ne rien de ceo present en eire, que ad este a grād damage du roy, et a meins bone gard̄ de sa peace. Ordeine est que desormes en case de mort de home, ou office de coroner appēt as views, et enquests de ceo faire, soit maunde al coroner del pais que ensemblement oue le coroner, del hostel le roy face loffice que appent, et le mettre enroll'. Et ceo que ne purra mie deuant le seneschal estre termine, pur ceo que les felons ne purront estre attaches, ou par auter encheason, demurge a la commen ley, issint q̄ les exigentes, vtlagaries, et presentmentes en eyre soient de ceo faytes par le coroner du pays, auxi come des auters felonyes faytes hors de la verge. Mes pur ceo ne soyte lesse, que les attachements ne soyent

ne soyent faytes freshement sur les felonies faytes.

¶Comen plees.2. Cap.4.

¶Ouster ceo nul cōen plee ne soit desormes ten⁹ a leschequer, encoūt la form̄ de la graund charter. |ca.11.|

¶Chauncery.1. Cap.5.

¶Et dauter part le roy voet q̄ le Chauncellour et les Justices de son banke luy suiuent issynt que il eyt toutes iours pres de luy ascune sages de la ley, que sachent les besoignes, que veignent a la court duement deliuerer a toutes les foites que mestier serra.

¶Seale.1. Cap.6.

¶De south le petit seal, ne isset desormes nul bē q̄ touche comen ley.

7 ¶Le Constable du chastel de Douer ne plede desormes a la port de chastel nul plee forein du countie, que ne touche la garde du chastel. Et le dit constable ne distreign̄ les gents due cinque portes a pleder aillourz ne en auter maner q̄ ils deuoient, solōq̄ la form̄ des charters que ils ount des roys, de lour franchises auncients affirmes par la grand charter. |cap.4.|

¶Sheryffes.3. Cap.8.

¶Le roy ad graunt a son people, q̄ ils eient election de lour viscount, en chescū coūtye ou viscount nest mie de fee, sils voilent. |post.cap.13.|

¶Iurrour.4. Cap.9.

¶Le roye voet, et commaunde, que nul viscount

viscount, ne baill' ne mette en enquestz, ne in iuries plus des gents, ne auters ne en auter maner que il nest ordeine par estatute, et que ils mittent en tiels enquests, & iuries le plus procheines, le plus suffisants, et meines suspicious. Et que auterment le fra, et de ceo soit attaint, rend au plaintif sez dam̃ au double, et soit en la greue mercy le roy. |W. 2. capit. 38.|

¶ Conspiracy. 2. Cap. 10.

¶ En droit des conspiratourz, faux enformours, & malueis ꝓcurours des douseines, enquests, assises, & iures, le roy ad ordeyne remedy as plaintifes par briefe de Chauncellarie. |33. E. 1. de conspiration.| Et iademaines voet le roy, que les Justices de lune bank & de lauter, & iustic̃ dassises prend assignes, quant ils veignent en pais a faire lour office, de ceo facent lour enq̃sts a chescũ pleint sans briefe, & sans delaye facent droyt as pleintifes.

¶ Champertye. 3. Cap. 11.

¶ De rechefe pur ceo q̃ le roy auoit auant ordeigne par estatute |W 2. cap. 49.| que nul de ses ministers ne prist nul plee a champertie, et par cel estatut auters ministers nestoient pas auant ses heures a ceo lies. Voet le roy, que nul minister, ne nul auter, pur part auoier des choses que sont en plee, enpreign̄ les besoignes que sont en plee. Ne nul sur tiel couenant son droit ne lesse a auter. Et si nul le face, et de ceo soit attaint, soit forfait, & encurrue deuers le roy des biens, & des terz

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le parnour, a la value de tant come sa partie de lō purchase par tiel empzise amontera. Et a ceo atteindē soit resceu celuy, q̄ suer vondē pur le roy deuant les iustices, deuant queux le plee auēs este, et par eux soit lagarde fait. Mes en ceo cas nest mie a entendē que horn ne poet auer counsaile des countours, & des sages gentes pur son donant, ne de ses pzo-cheine amis.

¶ Det al roy. 4. Cap. 12.

¶ De rechefe voet le roy, que distresses q̄ sont a faire pur sa dette, ne soient faytes par bestes des charues, tanque come home poet auer trouer, solonqz ceo que est ozdeine ail-lours par estatute, oue la paine &c. | 51. H. 3. de distrē scaccarij | Et ne voet que trop greue distres soit pzise pur sa dette ne trope loigne meine. Et si le dettour puisse trouer suffi-sant, et couenable suertie, iusque a vn iour deynes le iour al vicount, de deynes le quel home puisse purchaser remedye a faire gree de la demaunde, soit la distres relesse ende-mentiers, et que autrement le fra, soit grcue-ment puny.

¶ Shiriffes. 4. Cap. 13.

¶ Et pur ceo que le roy ad grant la elec-tion des viscounts a ceux dez countes | 8. ante ca. 8. | voet le roy q̄ ils esliient tiels vicōtz, que ne les charge myz: et ne mettent nul mi-nistre en baillie pur louer, ne pur done. Et q̄ tiels ne se herbergent trope souent en vn li-eu, ne sur les powers ne sur les religious. | 9. E. 2. Lincolñ de vicecomitibus, |

¶ Hundredes

¶Hundreds.I. Cap.14.

¶De rechefe voet le roy, que les baillies & les hund̄ du roy, ne les auters grañd sñrz de la terre, ne soyent lesses a trope graunde somme a ferme, par quoy le people soit greue ne charge par contribution faire a tyelx fermes.

¶Proces.I. Cap.15.

¶En sommons, et en attachementes en plee de terre, desormes conteigñ la sommons ou lattach. le term̄ de.xv. iours a tout le meines, solonqz la comē ley: sil ne soit en attachm̄t des assises prend̄ en p̄sence le roy, ou des plees deuāt iustic̄ en eire durant le eire. |vide Marlebr̄.ca. 12. 11 cas. 16. 50 fo. 33.

¶Retorne de vicont.4. Cap.16.

¶Soit fait de ceux que font faux retornz des briefes al maundement le roy, par quoy droyture est delay, auxi come ordeyne est en le seconde estatute de Westminster |capit. 39| oue la peine.

Proclamacion.I. Cap.17.

Et pur ceo que mults messesours sont en la terre plus que ne solent, et robberies, arsions, et homicides faits sans nomber, et la peace meines bien garde, pur ceo que lestatute, que le roy fist faire nadgeres passes a Wynchester |Anno.13.E.1 |nad pas este tenue. Voet le roy que cel estatute soit de nouel enuoy en chescune countie, et soit lieu & publie.iiij.foits par an, auxi byen come les deux graund charters, et firmem̄t gardes en chescune poynt, sur les peynes que la eyns sont assises

assises. Et a cell' estatute garder, & maintener, soient charges les trois chiuallers, que sont assignes par mye les counties pur redresser les choses faites encounter les graũd charters, & de ceo eyent garrauntye ante. capit. 1.

¶Wast. 8 Cap. 18

¶En droit des wastes & distructiõs faitez en gardes par eschetours, & subeschetours de measons, boys, parkes, viuers, & de toutz auters choses, que eschient en la maine le roy: Voit le roy, que celuy que auer̃ le dam̃ resceu, eit briefe de wast en la Chauncellary vers leschetour de son fait, ou subeschetour de son fait, sil eit dequoy respondr̃, & sil nad de quoy, si respond̃ son soueraigne par autiel peine, quaunt as damages, come darraine ordeine est par estatute sur ceux que fount waste en gardes. | Glor̃ capit. 5. & Westm̃. 1. ca. 21.

¶Liuere & Ouster lemaine. 2. Cap. 19

¶De rechiefe la ou leschetour, ou le viscount, seisient en la maine le roy auter terrez la ou il nad reason de seiser: et puis quaunt troue est la non reason, les issues du mesne temps ont este ceo en arrere retenus, et nemy rendus, quant le roye ad la maine ouste. Voit le roy que desormes, la ou terres sont issint seisies, et puis la maine ouste pur ceo q̃ il nad reason de seisier, ne ceo tener, soyent les issues pleinement rendus a celuy a que la terre demurt, et auera le dam̃ resceu. 29. E. 1 De eschaetoribus.

¶ Ordeine eſt que nul oꝛfeure Dengleterꝛe ne aillours de la ſeignioury le roy, ne ouer, ne face decy en auant nul maner de veſſel, ni ioyalx, ne auter choſe doꝛ, ne dargent quem ſoit de bone et verayalay, ceſt aſcauoir oꝛ di certaine touche, & argent del a lay del eſterlinge, ou de meliour alay, ſolonque la volunte de celuy, a que les oueres ſont. Et que nul oure pire argent que money. Et que nul maner de veſſelle dargent, ne departe hoꝛs des maines des oucrours, tanqꝛ el ſoit aſſay par les gardeins de la meſter, & auxy que el ſoit ſigne dun teſte de Leopard. Et q̄ nul ne oure pire oꝛe, que touche de Paris. Et q̄ les gardeins due meiſter allent de ſhoppe, en ſhoppe enter les oꝛfeoures, aſſaints q̄ ioꝛ ſoit tiel cōe la touche auantdit. Et ſilz trouent nul pier q̄ la touche, que lour ſoit foꝛfait au roy. Et que nul ne face aneaux, croix, ne firmaux. Et nul ne mette pier en oꝛ, ſi el ne ſoit maturel. Et que taillours des aymans, & des ceaux, rendant a cheſcune ſon poys dargent et doꝛ auxy auant come ilz le purront ſcauer ſur lour foialty. Et les ioyaux doꝛ, que ils ont entermaines de veuil ouere, que ilz les deliueront a plus toſt que ilz purront. Et ſils achatent deſoꝛ en auaunt de meſme cell oueraige, que ilz lachatent pur defere, & enmy pur reuender. Et toutz les bons villes Dengliterre, la ou il y ad oꝛfeures, que ils facent par meſme leſtatut, come ceux de Lōdꝛes font. Et que vn veigne de cheſcune vill

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pur touts a Londres, de quel lour certeyne touche. Et si nulle offeure soit attainte que autrement le face que desuis nest ordeine soit punye par prison, & par ranson a la volunte le Roye. Et en toutes les choses desuis ditz, et chescune de els, voit le roy, & tend il, & son counsell, & toutz ceux que a cest ordeinement furent, que le droit et la seignioury de sa corone saues luy soient par toutes &c.

¶ Expliciunt Articuli super Chartas.

Statutum de Appellatis.

¶ Note that this statute is in other printes vntruely entitled Modus Leuandi fines.

¶ Appels. 7.

QUam certi iustic in singulis com regni ad assisas in eisd capiend de nouo assignat sint, simulque ad deliberationem gaolarum eorundem com in singulis aduen suis fac post captionē carū assi sarū. put in statuto dñi regis inde confecto

plenius continetur. | 27. E. 1, ca. 13. de finibus leuatis. | Dominus Rex ad parliamentum suum apud Westm̄. Anno regni sui xxviij. ꝑ pace firmius obseruand̄, felonibusq; celerius conuincend̄, & prisonibus citius deliberād̄, cōcessit ordinauit, & statuit, quod quicunq; fuerint appellati per probatores existen̄ in gaolis, quas ipsi Justic̄ deliberant, & vbicunque in regno nostro ipsi appellati commorantes fuerint, aut latitantes qd̄ statim mandet̄ vic̄ in quorum balliua taliter appellati fuerint conuersantes aut poterint inueniri, ꝑ breue domini regis sub testimonio eorundem iustic̄ qd̄ talit̄ appellatos capiant & ducere fac̄ ad gaolas vbi appellatores per quos appellant̄ fuerint detenti & ibidem coram ipsis Justic̄ respondeant. Et si ipsi appellati, se super patriam posuerint, similiter mandetur ꝑ breue de iudicio per eosdem iustic̄ vic̄ in cuius balliua felonie facte fuerint, de quibus appellātur, quod venire faciat coram eisdē iustic̄ inquis. patrie ad eundem locum, vbi appellatores sunt detenti, ad certum diem. Et vic̄ et alij in quorum custodia appellatores detinētur, admittant sine contradictione appellatos per eosdem probatores, cum idem appellati capt̄ fuerint in forma predicta, et ad ipsos appellatores adducti.

¶Statut de coniunctim feoffatis, Anno xxxiiij. E. j

¶Assise. 9.

REx omnibus ad quos &c. salutem. Non est nouum quod nos inter ceteras legum editiones quas temporibus nostris adinuenimus, pro nimia & enormi transgressione, que in breuibus noue disseisine contingit pre ceteris, in illis breuibus celerius apponi decreuimus remedium. Et quia quam pluries cõtingit, quod in assisa noue disseisine tenens excipit contra querentem, quod tenet teñ petita coniunctim feoffatus cum uxore sua non nominata in breui, aliquando cum aliquo extraneo qui similiter non nominatur in breui et profert chartam que hoc testatur, et petit iudicium de breui, concordatum est et statutum, quod si pars quereas offerat verificare per assisam, quod die impetrationis breuis, sui ille qui talem exceptionem proposuit, fuit solus tenens, ita quod uxor sua, nec alius aliquid habuerit in predictis tenementis, tũc iustic̃ coram quibus predicta assisa arraniata est, retineãt predictam chartam saluo in custodia eorundem, quousque assisa inde inter eos transierit, vt illam que quasi dedicta est. Et scire faciant per breue nostrum sub eorum testimonio parti absenti, quem charta

 testat

testat̄ simul cum tenente qui presens est coniunctim feoffatum, quod sit ad certum diem responsurus, simul cum alio tenenti parti q̄renti tum de exceptione proposita, q̄ de ten̄ petitis & positis in visu, si sibi viderint expedire. Ad quem die̅ si ambo qui dicunt̄ tenentes venerint, & feoffamentum illud aduocauerint, respondeant, & manu teneant excepcione̅ p̄ vnum eorum propositā, & similiter vlterius ad assisā, ac si br̄e originale super eos coniunctim fuisset impetratum. Et si cōuincatur p̄ assisam, quod excepcio illa in retardationem iuris querentis maliciose fuit proposita, eo quod ipsi non fuerunt coniunctim feoffati de ten̄ illis, die impetraciones p̄dicti breuis, tunc licet assisa illa transierit pro tenentibus & contra querentem nihilominus puniantur talem excepcione̅ proponentis p̄ prisonā vnius anni, a qua nō exeāt sine graui redēptione. Et caueāt de cetero Justic̄ qd̄ tale̅ excepcione̅ sic propositā p̄ balliuos aliquorū tenentiū nō admittāt. Si autē ille qui excepcione̅ illā proposuit se ad die̅ illū absētauerit, & alter qui dicit̄ coniunctim feoffatus cōparuerit, licet ipse comparens p̄dictā cartā aduocauerit, & dixerit se nihil habere in predict̄ ten̄, nihilominus adiudicetur assisa vers⁹ tenentem absentem per eius defaltam. Et si conuincatur per assisam, qd̄ ipsi non fuerunt coniunctim feoffati, die impetracionis breuis predicti, & si similiter conuincatur qd̄ tenens super quem breue fuerit impetratum, vel alius nominatus in breui disseisierit querentē,

tunc

tunc habita cõsideratione ad excepcionem in lesionem partis falso et malicioſe proposita & ad disseisinam per eos factam, pars querens recuperet seisinam suam et damna sua in duplo, et proponentes illam excepcionem habeant penam supradictam. Si autẽ neuter tenentium ad diem illam venerit, tunc p eorum defalt versus eos capiatur assisa. Et si compertum sit per eandem, quod excepcio illa vere et rite sit proposita, quia ipsi qui eã proposuerint fuerunt coniunctim feoffati antequam querens breue suum versus eos impetrauerit, non procedatur vlterius ad assisã sed cassetur breue querentis. Hoc idem obseruetur si ambo vel vnus tm venerit. si cõperiat per assisam, qõd excepcio ꝓdicta (vt predictum est) veracit fuit ꝓposita. Eodẽ modo statutum & concordatum est, quod in assisis mortis antecessoris, & breui de iuris vtrum, ad primum diem quo partes comparuerint in curia, si tenens proponat predictam excepcionem contra petentem, & de hoc pretendit chartam, et petens offerat verificare p assisã vel iuratam, qõd die impetracionis breuis sui ille qui talem excepcionem proposuit, fuit solus tenens, extunc idem processus et modus procedendi seruetur in huiusmodi assisa mortis antecessoris, & breui de Juris vtrum, qui precordinat est, & statut in assisis no. disseisine Et eadem pena delinquentibus & convictis infligat. In alijs vero breuibus per que tenementa petentur, talis fiat processus, qõd si primo die quo partes comparuerũt in cũ tenẽs

proponat exceptionem predictam de coniuncto feoffamento & petens offerat verificare per iuratam patrie, quod die impetracionis breuis sui ille qui exceptionem illam proposuit fuit solus tenens, tunc idem processus et modo procedendi seruet inter partes, quousque iurata inde inter eas transierit. Et si comperiatur per iuratam, quod exceptio illa falso & malicioſe, in lesionem partis fuit proposita, tunc petens recuperet seisinam suam de tenementis petitis, & tenens puniatur per penam superadictam in assisa none disseisine, quo ad prisonam, & quo ad damna secundum discrecionem Justic. Et volumus & concedimus, quod istud statutum incipiat locū tenere in crastino sancti Petri ad vincula proximo futuro.

¶ Indicauit.

¶ Quia etiam lites in curia Christianitatis hactenus indebitas dilationes multociens sortiebantur, per hoc quod breue, nostrum quod vocat Indicauit, indicibus talium litium in initio earum dilatum fuit, & super hoc capitalis Justic. nostr. ad consultacionem super tali processu faciendam, rite seu debito modo nequit procedere, concordatum est, quod tale breue Indicauit alicui de cetero non concedat, antequam lis in curia Christianitatis inter partes fuerit contestata, et quod per inspectionem libelli Cancellarius

noster

noster certioretur super hoc. In cuius rei testimonium has litteras nostras fieri fecimus patentes. Teste me ipso apd westm 27. die Maij. Añ regni nostri 34.

¶ Explicit statut de coniunctim feoffatis.

¶ Statut de frangentibus prisonam, editum, Anno. j. E. primj. ij.

¶ Felonye 2.

De prisonarijs prisonam frangẽtibus, dominus rex vult & precipit, qd nullus de cetero qui prisonam fregerit, subeat iudicium vite vel membrorum pro fractione prisoñ tantũ, nisi causa p qua captus & imprisonatus fuerit, tale iudicium requirat, si de illa secundum legem et cons terre fuisset conuict⁹, licet temporibus preteritis aliter fieri consueuit.

Finis.

¶ Articulus ſtatuti Gloc', correctus pro Ciuibus Londiñ, de forenſicis vocatis ad warẽ in Huſtingo Lond. [9.E.2]

¶ Voucher. 7.

Vrueu eſt enſement, que ſi home enplede en la cite de Londres vouche forreine a garrãte, le Maior et les baillifes aiournent les parties deuant Juſtices de banke au certeine iour, & enuoient la lourn corõ. Et les Juſtices faẽ ſomm̃ le garẽ deuant eux et pledent le garẽ. Et le Maior et les baillifes en dementiers ſurceſſent a la parolle que eſt deuant eux per brieue iuſque a tannt que la parolle de la garẽ ſoit termine deuant Juſtices du banke. Et quant la parolle ſerra termine en banke, ſerra dit al garẽ, que il voiſe en la Citie, et reſpoigñ del chiefe plee. Et le demaunõ per ſa ſuit eit des Juſtices de banke au Maior et eux baillifes que ilz voiſent auant en le plee. Et ſi le demaunõ recouer̃ veigñ le tenant aux Juſtices de banke, & eit brieue au Maior et as baillifs que ſi le tenant eit ſa terre pardu, que ilz facent extendre la terre, et retournẽt lextent au bank au certeine iour, apres ſoit maunde au viſcount du pais, ou le garẽ fuit ſomm̃, que

que il face auoir de la terre du garraunt a la valiance. Et sil aueigñ que le tenant face defaut au iour que luy est done en banke, donques issera brefe des Justices du banke as Maior et bailifes de prendre le tenement demaunde, en la maine le roy per le petit cañ, & de sumñ le tenant, que il soit al Husting au certaine iour. dont les Justices serr̄ auises, a render iudgement de cel defaute, sil ne la puisse sauer, & sil la puisse sauer, adonques ts Justices soient de ceo certifies per lour record̄, & les Justices per lour record̄ pledent le garr̄.

¶ Memorandum qd̄ iste articulus in forma predicta consignatus fuit sub magno sigillo dñi E. filij regis E. anno regni sui nono, & missus Justic̄ de banco in modū br̄is patentis cum quodam breui clauso sub data regis apud Westm̄ secundi dici Maij anno predicto, quod ipsi omnia et singula in articulo predicto contenta facerent et exequerentur. Non obstante quod articulus ille in omnibus cum statuto Gloc̄ |ca.12.| non concordat.

Finis.

¶Articuli cleri edit'
Añ.jx.E.ij.

EDwardus dei gracia rex Anglie &c. Omnibus ad quos ꝑsentes littere peruenerint, salutem. Sciatis quod cū dudum temporibus progenitorum nostrorum quondā regum Anglie, in diuersis parliamentis suis, & similiter postquam regni nostri gubernacula suscepimus, in parliamentis nostris, per prelatos, & clerum regni nostri plures articuli continentes grauamina aliqua ecclesie Anglicane, et ipsis prelatis & clero illata, vt in eisdem asserebatur, porrecti fuissent, et cum instantia supplicatum, vt inde apponeretur remedium opportunum: ac nuper in parliamento nostro apud Lincolñ anno regni nostri nono, articulos subscriptos, & quasdam responsiones ad aliquos eorum prius factas, coram consilio nostro recitari, ac quasdam responsiones corrigi, & ceteris articulis subscriptis per nos & dictum consiliū nñ fecerimus respondere: quorum quidem articulorum & responsionum tenores subsequunt in hunc modum.

¶Prohibicion. I. Cap. I

¶ In primis laici impetrant prohibiciones in genere super decimis, obuentionibus, oblationibus, mortuariis, redempcionib⁹, penitentiarum, violenta manuū iniectione in clericum vel conuersum, et in causa diffamationis: in quibus casibus agitur ad penam canonicam imponendam: Rex ad istum articulum respon-

respondit, quod in decimis oblationibus, obuentionibus, mortuarijs, quando sub istis nominibus proponunt, prohibicione regie nō est locus: etiamsi, propter detentionem istorū diuturnam, ad estimacionem eozundē pecuniarium veniat. Sed si clericus vel religiosus decimas suas in horreo suo congregatas, vel alibi existentes vendiderit, alicui pro pecunia si petatur pecunia coram iudice ecclesiastico, locum habet regia prohibicio, quia p̄ vendicionem res spirituales fiunt temporales, et transeunt decime in cattalla.

¶Prohibicion. I. Cap. 2.

¶Item si sit contentio de iure decimarum originē habens de iure patronatus, & earūdē decimarū quantitas, ascendat ad quartā partem bonorū ecclesie, locum habeat regia prohibicio, si hec causa coram iudice ecclesiastico ventiletur. Item si prelat imponat penā pecuniariā alicui p̄ peccat & repetat illā, regia ꝓhibicio locum habet. Verumtamen si ꝓlati imponant penitentias corporales, & sic puniti velint hm̄odi penitēcias p̄ pecuniā redimē spōte, non habet locum regia ꝓhibicio, si coram prelatis pecunia ab eis exigatur:

¶Prohibicion. I. Cap. 3.

¶Insuper si aliquis violētas man⁹ iniecerit in clericū p̄ violētia facta, debet emenda fieri corā rege. Pro excōmunicatione vero, coram ꝓlato, vbi imponat penitentia corporalis, q̄ si reus velit spōte p̄ pecuniā redimē dano prelato vel leso, potest repeti coram ꝓlato, nec in talibus regia prohibicio locum habet.

¶Pro-

¶Prohibicion.I. Cap 4.

¶ In diffamationibus etiam corrigāt p̄lati supradicto modo regia ꝓhibitione nō obstāte primo iniungēdo penā corporalem, q̄ si reus velit redimere libere percipiat prelatus pecuniam, licet regia prohibicio porrigatur.

¶Prohibicion.I. Cap.5.

¶ Item si aliquis in fundo suo molendinū erexit de nouo, & postea a rectore loci exigat decima de eodē, exhibetur regia prohibicio sub hac forma. Qr de tali molendino hactenus decime nō fuerūt soluť, prohibemus &c. et sententiā excōmunicationis, si quā hac occasione promulgaueritis, reuocetis omnino. ¶ Responsio. In tali casu nunq̄ exiuit regia prohibitio de principis voluntate: qui & decernit talē perpetuo non exire.

¶Iurisdiction.I Cap.6.

¶ Item si aliqua causa vel negocium, cuius cognitio spectat ad forū ecclesiasticū, et corā ecclesiastico iudice fuerit sentencialiter terminať, & transierit in rem iudicatam, nec ꝑ appellationem fuerit suspensū, & postmodū coram iudice seculari super eadē re inter easdem ꝑsonas questio moueatur, & probetur ꝑ testes vel instrumenta, talis excepcio in foro scl'ari, nō admittatur. ¶ Responsio. Qñ cad causa diuersis rationibus corā iudicib⁹ ecclesiasticis, & secularibus ventilatur vt supra patet de iniectione violenter manuū in clericum, dicūt qd̄ (nō obstante ecclesiastico iudicio) cur̄ regis ipsum tractat negociū, vt sibi expedire videtur.

¶Excom

¶Excommengement.2. Cap.7.

¶Item littera regia ordinarijs dirigitur, qui aliquos suos subditos excommunicationis vinculo innodarunt, qd eos absoluāt infra certū diem: alioquin qd compareat respōs quare eos excommunicauerunt. ¶Responsio. Rex decernit, qd talis littera nūq̄ in posterum exire permittatur, nisi in casu quo possit inueniri, ledi per excommunicacionem regiam libertatem.

¶Residence.1. Cap.8.

¶Item barones de scaccario domini regis vendicantes sibi ex priuilegio, qd non debent extra illum locum conquerenti cuicunq; respondere, extendunt illud priuilegium ad clericos commorantes ibidem, vocatus ad ordines, seu ad residentiam, & diocesanis inhibeant, ne aliquo modo, aliquaue ex causa, dū sint in scaccario et in seruicio domini regis, trahant ad iudicium quouismodo. ¶Respōsio. Placet domino regi, vt clerici suis obsequijs intendentes, si delinquant per ordinarios (vt ceteri) corrigantur, sed tempore quo occupantur circa scaccarium, ad residentiam in suis faciendam ecclesiis non teneantur. Hic additur de nono, per consilium domini regis. Rex & antecessores sui a tempore cuius contrarij memoria non existit, vsi sunt, quod clerici suis immorantes obsequijs, dum obsequijs illis intenderint, ad residentiam in suis beneficijs faciendam minime compellantur: nec debet dici tendere in preiudicium ecclesiastice libertatis, qd pro rege

& re-

republica necessarium inuenitur.

¶Distres. 9. Cap. 9

¶Item ministri dñi regis, vt vic', & alij, ingrediunt feoda ecclesie ad faciendū districtiones, & aliqñ capiūt animalia rectorum in via regia, qñ non habēt, nisi terram pertinēt ad ecclesiam. ¶Responsio. Placet dño regi |ne| de cetero districtiones fiant huiusmodi nec in via regia: nec in feodis quibus olim ecclesie sunt dotate. Mult tamen districtiones fieri in possessionibus de nouo a personis ecclesiasticis acquisitis.

¶Abiuracion. 3. Cap. 10.

¶Item quandoq; aliqui confugientes ad ecclesiā abiurant terrā, scdm regni consuetudinē, & prosequuntur laici eos, vel inimicitiarum, & a publica strata abstrahuntur, & suspendunt, vel statim decapitant, & dū sint in ecclesia custodiūtur p armatos infra cemiterium, |& quādoq; infra ecclesiam ita arcte, & non possunt exire locū sacrū causa superfluū pōderis deponendi, nec permittit eis necessaria ad victus ministrari. ¶Responsio. Cum tota abiurauerint, dū sint in strata publica, sint in pace dñi regis, nec debent ab aliquo molestari: & dū sint in ecclesia, custodes eorū nō debent morari infra cemiterium, nisi necessitas, vel euasionis periculū hoc requirat: nec amplius cōfugere dum sint in ecclesia, quin possint habere vite necessaria: & exire libere, & absque pondere deponendo.

¶Appelles. 6.

¶Placet etiam dño regi, vt latrones, vel appellato-

appellatores, quecunq; voluerint, possint sacerdotibus sua facinora confiteri: sed caueāt confessores, ne erronice huiusmodi appellatores informent.

¶Monasteries. 3. Cap. 11.

¶Item petitur, qd dñs rex, & regni magnates non onerent domos religiosas, vel ecclesiasticas personas, p corodijs, pensionib⁹, vel perhendinationibus faciend, in domibus religiosis, & alijs locis ecclesiasticis, carectis & equis sibi mittend, cum per hoc predicte dom⁹ depauperent, cultusq; diuinus in hac parte diminuat, & propter hmodi onera compelluntur sepissime presbiteri, & alij ministri ecclesiastici diuinis officijs deputat, a locis recedere suprad. ¶Responsio. Placet dño regi quod sup contentis in peticione, de cetero in debite nō onerent. Et si p magnates, aut alios cōtra fiat, habeant inde remedium iuxta formam statutorum tēpore dñi. E. regis patris domini regis nūc editorū: & fiat consimile remediū de corodijs & pensionib⁹ p cohertionē exactis, de qb⁹ non sit mētio in statutis.

¶Excommengement. 3. Cap. 12.

¶Item si aliqui de tenura domini regis vocantur coram ordinarijs extra parochiam in qua degunt, si ppter suam contumaciam manifestam excommunicentur, ac post. xl. dies pro eorum captione scribatur, pretendunt se priuilegiatos, quod extra villam seu parochiā suam non debent vocari, & sic denegat bre regium pro captione eorūdē. ¶Respōsio

Nunquam fuit negatū, nec negabitur infuturum.

¶Abilitie & nonabilitie.1. Cap.13.

¶Item petitur qđ persone ecclesiastice, quas dominus rex ad beneficia p̄ntet ecclesiastica, si episcopus eas non admittat, vt puta propter defectum scientie, vel aliam causam rasionabilem non subeant examinationem laicarum personarum in casibus ante dictis, prout his temporibus attentatur de facto, contra canonicas sanctiones: sed adeant iudicem ecclesiasticum, ad quem de iure pertinet, pro remedio, prout iustum fuerit, consequendo. ¶Responsio. De idonietate p̄sone presentate ad beneficium ecclesiasticum pertinet examinatio ad iudicem ecclesiasticum et ita est hactenus vsitatum, et fiat in futurum.

Election.2. Cap.14.

¶Item si vacet aliqua dignitas, vbi electio est facienda, petitur quod electores libere possint eligere, absq; incussione timoris a quacunq; potestate seculari: et quod cessant preces, & oppressiones in hac parte. ¶Respōsio. Fiant liber̄, iuxta formam statutorū et ordinationem. |W.1.ca.5.

¶Clergye.3. Cap.15.

¶Itē licet clericus coram seculari iudice iudicari non debeat, nec aliquid contra ipsum fieri, ꝑ quod ad periculum mortis, vel ad mutilationem membrorum valeat peruenire seculares tamen iudices clericos ad ecclesiā confugientes, & reatus suos forte confitētes

faciunt

faciunt abiurare regnum, & eorũ abiuratio=
nes admittũt ex illa causa, quãq̃ eor̃ iudices
sup̃ his nõ exillant: sicq; dat̃ laicis indirecte
potestas hm̃odi clericos cruciandi, si ipsos
post hm̃odi abiuratioñ in regno cõtigerit in=
ueniri sup̃ quo petũt p̃lati, & cler⁹ tale reme=
diũ adhiberi, vt immunitas ecclesie, & p̃so=
narũ ecclesiasticarũ conseruet̃ illesa. ¶ Res=
posio. Cleric⁹ ad ecclesiã cõfugiens p̃ felonia
p̃ immunitate ecclesiastica obtinẽda, si asse=
rit se esse clericũ, regnũ nõ cõpellatur abiu=
rare, sed legi regni se reddẽs gaudebit eccle=
siastica libertate, iuxta laudabilẽ consuetudi=
nem regni hactenus vsitatam.

¶ Clergie. 4. Cap. 16.

¶ Item quanquam confessio, coram illo
qui non est iudex, confitentis, locum non te=
neat, nec sufficiat ad faciendum processum,
vel sententiam proferendã: quidam tamen
seculares iudices, clericos qui de foro suo in
hac parte non existunt, reatus proprios, et
enormes, vt puta furta, roberias, homicidia
coram eis confitẽtes, admittunt accusationẽ
illorum, quam ipsi communiter vocant ap=
pellum ipsos sic confitẽtes, et accusãtes, seu
appellũ facientes non liberant p̃latis eorum
post premissa, quanq̃ super his fuerint suffi=
cienter requisit̃, licet coram eis etiam per cõ=
fessionem propriam iudicari vel condemnari
nequeant, absq; violatione ecclesiastice liber=
tatis. ¶ Responsio. Appellatori in forma de=
bita tanq̃ clerico, per ordinariũ petito liber=
tatis ecclesiastice beneficium non negabitur.

Nos desiderantes statui ecclesie Anglicane, & tranquilitati, et quieti prelatorum & cleri predictorum (quatenus de iure poterimus) prouideri ad honorem dei, & emendationem status dicte ecclesie et prelatorum & cleri p̄dictorum, omnes et singulas responsiones predictas, ac omnia & singula in eisdē respōsionibus contenk̄ ratificantes & approbantes, ea pro nobis et hered̄ nostris concedim⁹, et precipimus in perpetuum inuiolabilit̄ obseruari, volentes, & concedentes pro nobis & hered̄ nostris, quod predicti prelati, et clerus et eorum successores in perpetuū in p̄missis iurisdictionem ecclesiasticam excerceant, iuxta tenorem responsionum predictarum, absq; occasione | ecclesie | inquietatione, vel impedimento nostri, vel nostrorum hered̄, seu ministrorum quorum cunq;. In cuius &c. Test. &c.

Expliciunt Articuli cleri.

¶ Statutum Eborac. edit̄. Anno. xij. Ed. 2.

Pur ceo que plusoures gentes du royalme Dengleterre, et de la terre Dyrlande, ount auant ceux heures souent foites, suffertes mischiefe, dam̄, et disherisons par enchea-

encheason de ceo que en ascun cas ou defaut fuit en ley, remedy ne fuist ordeign: & auxint pur ceo que ascun pointes des estatuts auāt faits auoiēt mester declarisment: Mē seigniour le roy Edward, fits au roy E. desirāt plenier droit estre fait a son people, a son parliament a Euerwike. a troys semaignes de saint Michell', lan de son reigne xij. per assēt des prelates, countes, barones, et le cōmunaltie de son royalme, illonques assembles fist les establishementes et les estatutes, queux sensuent, les queux il voet que en le dit royalme et en la dit terre soyent firmement tenus.

¶ Assise. 8. Cap. 1.

¶ En primes pur diuers mischiefes, q̄ux ount este de ceo, que les tenants en assyses de nouel disseisin. ne puissent auāt ceux heurz faire attorneis, accord est, que les tenantes en assises de nouel diss. puissent faire attourneis. Et ne entend̄ my le roy par taunt, que les tenants & les defend̄ en assise de no. diss. ne puissent pled̄ par baillifs, fils voillent, cōe auant soilent.

¶ Witnes. 1. Cap. 2.

¶ Et ensement accord̄ est, que quant, chē quite claim̄ acquitance, ou auter escript soyt dedist en la court le roy, en queux sount testmoign̄ noimes, soit proces fait de faire ven les testmoign̄, come auant ad este vse, issint q̄ si nul veign̄ a le graund̄ distresse sur eux retorne, ou retorne soit que ils nount riens, ou ne sont troues: que adonques ne soyt lesse le

prise del enquest par absẽce de ceux tesmoign̄ Et si les tesmoignes veignount par le grãd distresse, et lenq̄st per ascune encheason, remaigne apprendre, soit m̄ le iour don̄ a ceux tesmoignes, q̄ux issint viendront q̄ est don̄ a lenquest prend̄, a q̄l iour si les tesmoignes ne viendront, soient lour issues primes sur eux retornes forfaites, et la prise del enquest ne remaign̄ a prendre pur lour absence. Et pur le absence des tesmoigns, q̄ux sont deins franchises, ou brief le Roy originall' ne curt ne soit le prise del enquest lesse.

¶ Nisi prius. 3. Cap. 3.

¶ Et come il soit conteign̄ en lestatut fait a Westminster, le second iour de Aprill', lan du roign̄ le roy pier nostre seigniour le roys que ore est. xxvij. |de finibus leuatis cap. 4.| que les enquests et les reconusances deuãt Justices de lune banke et de lauter aiudgez fuissent prises deuaunt ascune des Justices des places, associe a luy vn chiualer del coũtie ou les enquests serront apprendres, si lez enquests ne fuissent de graunde examinemẽt et que en tiels enquestes soit fait sicome les Justices verount que soit affaire au profyte du roialme, le quel estatut̄ ad mester destre mieux declare. Accorde est, que les enquests et iurres, queux serront ou soient apprendres en plee de terre, queux ne sont mye de graunde examinement, soient prises en pais deuant vn Justice del place ou le plee est, associe a luy vn ꝓde home del pais, chiualler ou aut̄, issint q̄ certein iour soit don̄ en bank

et

et certeyne iour et lieu en pais en ꝑsence des parties, si le demand̄ le ꝓie. Et auxi les enqueſtes et iures en plee de terre, que demaunde graunde examinement, ſoyent priſes en pais, en la foꝛme ſuiſdit, deuant deux Juſtices de bank.

¶Niſi prius. 3. Cap. 4.

¶Et eit le Juſtice ou les Juſtices poiar de recoꝛd̄ nonſuits, et defautes en pais, as iours & lieux, queux ſerront aſſignes, ſicome deſuis eſt dit. Et ceo que ils aueront fait en les choſes ſuiſdits ſoit repoꝛte en banke au iour don̄, et illonques enrolle, et ſur ẽ iudgement rendus. Et nentend̄ my le roy, que les dits inqueſts et iures ne puiſſent eſtre priſez en banke, ſils veignont, ne que ceſt eſtatute ſoy extende as graundes aſſiſes. Et auxi vn Juſtice de lune place ou de lauter, aſſocie a luy vn ꝓode home du pais chiualer ou auter, a la requeſt del pꝛeigna les enqueſtes des plees pledes & a pleder, queux ſont mones per attachement et diſtres, et eit poyar de recoꝛder nōſuits, cōe deſuis eſt dit, & prēder les enqueſts per defautes illonḡs fayts. Et quant a les aſſiſes de darreine pꝛeſentment & les inqueſtes ſur briefe de quare impedit pꝛendꝛes ſoit fait come eſt conteigñ en le. ij. eſtatute de weſtminſter cap. 30. Et eiēt les iuſtices poiar a recoꝛd̄ nonſuites et defautes en pais, et ſur ceo iudgement doner com̄ en banke, et ſoit repoꝛt en banke ceo que ils ont faites, et illonḡ ſoient enrolle. Et ſi aueigñ que le Juſtice, ou les Juſtices,

queux ſont ou ſerront aſſignes dapprender tielz inqueſts en pais ne deignõt, ou ſi deign̄ en pays au iour aſſign̄ iademaynes les parties & les gents des inqueſts gardent loure iour en banke.

¶ Retornes &c. 3. Cap. 5.

¶ Et pur ceo que ſouent pleints a eſte fait en la court le roy, que les retornes, queux baillifes des fraunchiſe, queux ount pleyne retorne del briefe le roy, ount liueres as viſconts, apres ount eſte chaunges, et en auter maner retornes en la court del roy, a dam̄ des aſcuns des parties, & en delaiãce de droiture. Accord̄ eſt, que des retornes, queux deſore ſe ſerront as viſcounts per baillifes de tiels franchiſes, ſoit fait indenture parenter le baillife del fraunchiſe noſme per ſon proper noſme, et le viſ̄ noſme p̄ ſon prop noſme. Et ſi le viſ̄ chãge le retorn̄ iſſint liuer a luy per endenture, et de ceo ſoit attaint al ſuit d̄ ſeignior du fraunchiſe, dount il ad tyel retorne reſceu, ſi le ſeignior auera dam̄ encurrue, ou ſa fraunchiſe ſoyt emblemy, & a le ſuite del partie que auera dam̄ encurrue per cel encheaſon, ſoit punie deuers le roy come de faux retorn̄, et rende al ſeignior et a le party dam̄ au double. Auxint eſt accord̄, que deſore les viſ̄, ou auters baill̄ queux reſceiuont br̄es le roy retorn̄ en ſa court, mittent lour proper noſmes oue les retornes, iſſint que la court puiſt ſcauer a que ils prendront tiels retornes ſi meſt ſoit. Et ſi aſcune viſcont, ou auter baillife en ſes retornes en-

terieſſa

terlessa son nosm̃, soit il greuousmẽt amercy al oeps del roy.

¶Vitailes. I. Cap. 6.

¶Ensement pur comon profite du people accord̃ est, que nul minister en citie, ne borough, que per reason de son office doit gard̃ assises des viuers, et des vitails, entant cõe il serra attendant a cel office, ne merchand̃ vines ne vitailes in grosse ne a retaill'. Et si ascun le face, et de ceo soit attaint, le merchandise dount il serra attaint soit forfait au roy, & la tierce partie soit liuer, come ol doñ le roy a celuy a que suite le trespassour serra issint attaint. Et en tiel cas soyt resceu celuy que voudra suer pur tiel chose atteinõ. Et chancell', trealorer, barons del eschequer, Justic̃ de lune banke & de lauter, & Justicez assigñ as assises prender resceyuent tiels plemtes per brefes & sans brickes, et les termment, et par facent touts les choses cõtigñ en cest article en le forme auantdit. Et lademaines puis le roy assigñ ses Justic̃ a cel chose parfaire en cities, & borroughes, quant & la ou luy plerra.

¶Explicit statutum Eborã.

¶Statutum

¶Statutum de Essoñ calumñ, edit. Anno, xij. Ed, 2.

¶Essoiñ, 12. Cap. 1.

Hic demonstratur quot modis essoñ sunt calumniand, & in qb⁹ casibus essoñ non iacet, videlicet non iacet essoñ, q̄a terra capta est in manum dñi regis. Nō iacet essoñ, quia districtus est per t̄ras. Non iacet essoñ, q̄r cōcessū est hinc inde iudicium, si iurata veniant. Nō iacet esso ñ, quia visus fuit in curia. Nō iacet de vltra mare, q̄a alias se essoniauit de malo veniendi. Non iacet quia alias se essoniauit tali die. Nō iacet, q̄a p̄ceptū fuit vicecomiti, qd̄ faceret eū venire. Non iacet de seruitio domini regis, quia femina, nisi quia nutrix, obstitrix, aut mittat p̄ breue ad ventrem in spiciendam. Non iacet in breui de dote, quia videtur deceptio, & p̄rogatio iuris. Non iacet quia talis querens non inuenit plegios de pros. Non iacet, quia attorñ fuit essoniat. Non iacet, quia habet attorñ in loquela. Non iacet, quia essoniator testator, quod non est in seruitio domini regis. Non iacet quia sum̄ testificat non est, vel pars non attachiat, eo qd̄ vic̄ mādauit quod non est inuent. Non iacet, q̄a alias se essoñ de seruitio domini regis, scilicet tali die [et] modo non misit warantum. Non iacet, quia resum̄ fuit in vltima p̄resentatione,

vel

vel morte antecessoris. Non iacet, quia talis nõ nominatur in breui. Non iacet, quia prec̃ fuit vic̃ quod distringat eum venire p terras et catalla. Non iacet, quia mandat̃ fuit tali episcopo, quod faceret eum venire. Nõ iacet quia terminus preteriit Et sciendũ est, quod essoñ de seruitio domini regis allocãtur post magnum cap̃, post paruum Cap̃, et post districtiones factas p terras & catalla.

¶Prerogatiua regis, edit̃ Anno xvij. Edwardi. ij.

¶Wardes. 13. Cap. 1.

DOminus rex habebit custodiam, omniũ terrarum eorũ qui de ipso tenent in capite per seruicium militare, de q̃bus ipsi tenentes, fuerũt sesit̃ in dominico suo vt de feodo, die quo obierunt de quocunq; tenuerint per huiusmodi seruicium, tum tñ ipsi tenuerint de rege aliq̃d teñ ab antiquo de corona, vsq; ad legitimam etatem heredis exceptis feod̃ archiep̃i Cantuar̃, ep̃i Dunolm̃ inter Tine & Tese, feodis com̃ & baronum de marchia de terris in marchia vbi breuia dñi regis nõ currunt, & vnde

& vnde predicti archiepus, epus, com, & baron, habeant hmodi custodiam: licet alibi tenuerint de rege.

¶ Wardes. 14. Cap. 2.

CItē rex habebit maritagiū heredis infra etatem & in custodia sua existen, siue terre heredis eozundē sint ab antiquo de cozona, siue de escaetis, q̄ sunt in manu domini regis, siue habuerint maritagium ratione custodie terrarū dnoz̄ eozundem heredū, nullo habito respectu ad pziozitatem feoffamenti, licet de alijs tenuerint.

¶ Primier seisin. 1. Cap. 3.

CItem rex habebit pzimam seisinam, post moztem eozum, qui de eo tenent in capite, de omnibus terris & tenementis de quibus ipsi fuerūt seisiti in dominico suo vt de feod, cuiuscunq; etatis heredes ipsozum fuerint, capiendo omnes exitus eozundem terrarum et tenementozum, donec facta fuerit inquisitio, pzout mozis est, et ceperit homagium huiusmodi heredum.

¶ Women. 1. Cap. 4.

CItem assignabit vidus post moztem virozum suozum, q̄ de eo tenuerint in capite dotem suam que eas contingit &c. licet heredes fuerint plene etatis, si vidue ille voluerint. Et vidue ille ante assignationem dotis sue predicte, siue heredis plene etatis fuerint siue infra etatem, iurabunt quod se non maritabūt sine licētia regis. Et si se maritauerint sine licentia regis, tunc rex capiet in manum suam nomine districtionis omnes tras

& ten

et teñ, que de eo tenent in dotem, donec satisfecerint ad voluntatem domini regis: ita quod ipsa mulier nihil capiet de exit̃ &c. quia |al' quousq; |per huiusmodi districtiones huiusmodi mulieres seu viri earum finem faciant regi ad voluntatem suam. Et illa volũtas tempore regi H. patris regis E. estimari consueuit an valentiam predicte dotis per vnum annum ad minus nisi vberiorem gratiam habuerint. Mulieres que de rege tenẽt in capite aliquam hereditatem, iurabunt similiter (cuiuscunq; fuerint etatis) quod se nõ maritabunt sine licentia regis. Et si fecerint terre et teñ ipsarum eodem modo capiantur in manum dñi regis, quousq; satisfecerint ad voluntatem domini regis. | Magna Charta cap. 7.

¶Particion. 1. Cap. 5.

¶Et si vna hereditas, que de rege tenetur in capite, descendat pluribus participib⁹, tunc omnes illi heredes faciant homagium regi, et illa hereditas que de rege tenetur, participabitur inter heredes illos, ita quod quilibet eorum extunc partem suam tenebit de rege.

¶Wardes. 15. Cap 6.

¶Si mulier ante mortem antecessores sui qui de rege tenet in capite, ante annos nubiles maritata fuerit, tũc rex habebit custodiam corporis illius mulieris vsq; ad etatem, quod consentire possit: & tũc eligat ipsa vtrũ maluerit habere virum illum, cui premaritata fuerit vel aliũ, quẽ rex et obtulerit.

¶Alienacion

Alienatiou without licence. 1. & 2. Cap. 7.

¶ Nullus qui de rege tenet in capite per seruitium militare, potest alienare maiozem partem terrarum suarum, ita quod residuū non sufficiat ad faciendum seruicium suum, sine licentia regis. Sed hoc non consueuit intelligi de membris et particulis earundem terrarum.

¶ De seriantijs alienatis sine licentia regis, consueuit rex arentare huiusmodi seriantias per rationabilem extentam inde faciendam.

¶ Auowson 2. Cap. 8.

¶ De ecclesijs vacantibus, quarum aduocationes spectant ad regem, & alij presentauerint ad easdem, ita quod contentio inter dominum regem et alios oriatur, si rex per considerationem curie presentationem suam recuperauerit, licet post lapsum sex mensiū a tempore vacationis, nullū occurrit ei temp⁹, dum tamen rex presentauerit infra tempus sex mensium.

¶ Fooles. 1. Cap. 9.

¶ Rex habebit custodiam terrarum fatuorum naturalium, capiendo exit̄ earundem, sine vasto & destructione, & inueniet eis necessaria sua de cutuscunq; feodo terre ille fuerint. Et post mortem eorum reddat eā rectis heredibus, ita quod nullatenus per eosdē fatuos alienentur, nec quod eorum hereō exheredentur.

¶ Fooles. 2. Cap. 10.

¶ Item rex prouidebit, qñ aliquis q̄ p̄r⁹ habuerit

habuerit memoziam et intellectum, non fuerit compos mentis sue, sicut quidam sūt per lucida interualla, quod terre et tēn eiusdem saluo custodiantur: sine vasto & destructione et quod ipū & familia sua de exitibus eozundem viuant & sustineant competenk, et residuū vltra sustentationem eozundē rationabiliter custodiatur ad opus ipsozū, liberandō eisdem quādo memoziam recuperauerint. ita quod predicte terre et tēn infra predictum tēpus nullatenus alienentur: nec rex aliquid de exit percipiat ad opus suum. Et si obierit in tali statu, tunc illud residuum distribuatur pro anima eiusdem, per consilium ordinarij.

¶Wrecke. 2. Cap. II.

¶Item rex habebit wzeccum maris per totum regnum, balenas, & sturgeones captos in mare vel alibi infra regnum, exceptis quibusdam priuilegiatis locis per reges.

¶Eschete. 1. Cap 12.

¶Item habebit escaetas de terris Nozmanozum, cuiuscūq; feodi fuerint, saluo seruitio, quod pertinet ad capitales dños feodi illius. Et hoc similiter intelligendū est si aliqua hereditas descendat alicui nato in partibus tranlmarinis, et cuius anteceslozes fuerunt ad fidem regis Francie vt tēpore regis Johānes, & nō ad fidē regis Anglie: sicut cōtingit de baronia Monumute post mortem Johānis de Monumuta, cuius heredes fuerint de Wzitañ et alibi. De feodis aliozum recupera-

recuperauit rex Henricus plures escaetas de terris Normannorum occasione predicta, et eas contulit tenendo de capitalibus dominis feodi per seruitia inde debita et consueta.

¶Intrusion. I. Cap. 13.

¶Quando aliquis, qui de rege tenet in capite in fata decedat, et heres eius ingrediatur tenementum quod antecessor suus tenuit de rege die quo obiit antequam fecerit homagium regi, et seisinam suam ceperit per regem, tunc nullum accrescit ei liberum tenementum. Et si obierit seisitus, idem tempus vxor eius non habebit dotem de tenementum illo: sicut contingit de Matilda filia comitis Herefordie vxoris Manuselli marescalli, qui post mortem Wilhelmi marescalli Anglie fratris sui cepit seisinam castri et manerii de Scrogoill', et obiit in eodem castro, antequam intrasset per regem, et fecisset ei homagium, et vnde conordatum fuit, quod vxor non haberet dotem, eo quod vir suus non intrauit per regem vno per intrusionem. Sed hoc non intelligatur de escaetis al' | Socagio parui tenuris.

¶Forfayture. 4. Cap 14.

¶Item rex habebit escaetas de terris libere tenentium archiepiscoporum, et episcoporum, quando ipsi tenentes damnati sunt per felonia facta tempore vacationis, dum temporalia eorundem fuerunt in manu domini regis, conferendo cui voluerit imperpetuum: saluo seruitio quod addictos prelatos inde pertinet et fieri consueuit.

¶Patents

¶Patentes.I. Cap.15.

¶Quando Dominus rex dat vel concedit alicui manerium vel terram cum pertinenciis,nisi faciat in charta sua vel scripto expressam mentionem de feodis militum, aduocationibus ecclesiarum, et dotibus cum acciderint,ad predictum manerium vel terram pertinent, tunc his diebus rex reseruat sibi eadem feoda, & aduocak, cum dotibus, licet inter alias personas non fuerint obseruata.

¶Forfaiture.5. Cap.16

¶Item rex habebit omnia catalla felonum damnatorum, & fugitiuorum vbicunque fuerint inuenk. Et si ipsi habeant liberū tñ,tunc illud statim capietur in manum domini regis:et rex habebit omnes exitus eiusdem par vnum annum & vnum diem, & tñ illud vastabitur et destruetur de domibus, boscis & gardinis,& alijs quibuscunque ad predictum tenementum spectank exceptis hominibus quorundam locorum priuilegiatorum inde per regem. Et postquam dominus rex habuerit annum, diem, & vastum, tunc reddatur tñ illud capitali domiñ feodi illius nisi prius faciat finem pro anno. die & vasto De cons tamen dicitur,quod post annum et diem; terre & tenementa felonum in Glos, reddentur et reuertentur proximo heredi, cui debuerant discendisse,si felonia facta non fuisset. Et in Kanc in Gauelkinde: The father to the bough, the sonne to the plough. Ibidem omnes heredes masculi participabunt

Pi. heredi-

hereditatem eorum, & similiter femine, sed femine non participabunt cum masculis Et mulier habebit post mortem viri medietatem pro dote sua. Et si mulier fornicetur in viduitate, perdet dotem suā, vel si sit disponsata viro.

¶ Explicit Prerogatiua regis.

¶ Incipit statutum de Magna Assisa iniungendo siue duello.

Vous deues sauoir ou graund assise se ioint abatayle nyent, ou battaile se ioint et graund assise nient, et ou lune ne lauter ne se ioint. Graunde assise se iointe a battaile nient, lou vne home vend terre a vne auter per charter et cell' purchacer vend celle terre ouster & nad nient pluis de terre et il rende sa charter dōt il est enfeoffe, vient le heire le primer feoffour & luy emplede il ne purr̄ my sa seisin defendere per le corps son franke home, mes il se purra mettre en dieu et en la graunde assise. Battaile se ioint et graunde assise nient la ou le voucher est enfeoffe et vouche son feoffour

feoffour agarr̄ per chart q̄il aū de luy il pur=
ra dedire sa charter ꝑ le corps son franke
home, & la ne gist pas graunde assise mes
battaile. Auxint graunde assise ne se ioynte,
nient enter parentes auant que ilz soiēt pas=
ses le tierce degree la ou ils caliment per
vn mesme la discent. Mes battaile se iointe
entre freres la ou lune est feoffe per charter
et lauter claime per discent. Et ou lune ne
lauter ne se ioint nient la ou le demaundant
claime a tener en franke mariage, ou en frank
Burgage, ou en franke socage, ou en gauel=
kinde come en Kent, ou en auter maner come
si le demaundant demaunde forsque petit
chose come vne acre de terre ou demy toft ou
croft, donques per assent des parties, ou per
agarde des Justices, si poient ilz consenter̄
en vn iurr̄ de dones frankes homes & loy=
alx pur esparer le trauaile et le serement de
dons chiualers, & ils ferrront le serm̄t
sans delay dont ilz dirrount voier
a lour asscient. | Voies le
vieux nature des br̄es
fo.1.|

P.ij.

Item ordeines est & establies que en chescune briefe original des accions personelz appeles, & endictements & en queux exigendes serra agard que aux nosmes des defendaunts en tielx briefes originalz appelles et endictments soient faitz addicion de lour estate ou degree, ou de mestier et les villes ou hameleton, lieux, & les counties de queux ils feurent ou sont, ou en queux ils sont ou feurent conuersants. Et si per proces sur les dits brez originals appelz ou endict en qux lez ditz addicionz soient enterlesses, ascūs vtlagaries soient pronuncies que ilz soient voides irrites et tenus pur nul. Et que auant les vtlagaries pronuncies les dits briefes et endictmentes soient abatus per excepcion du partie p la ou en icell' les dits addicions soient enterlesses. Purueu toutes foitz que mesqz les dits briefes daccions personels ne soient accordantes as recordes et faits per le supplusage de addicions suisdits, que pur cel cause ilz ne soient abatus. Et q̄ les clerkes del chaūcellary south q̄ nosm̄z tielz brez isseront escriptz ne enterlessent ne facēt omissiō dez ditz addiciōs cōe desuis est dit sur pein destr̄ punis et fair̄ fine al roy p discret̄ de le chaūceller. Et cōmencera cē ordināce a tenir lieu al suit de pty de la feast de saint Michael p̄chein ensuant.

Anno.

¶Forcible entre.3. Cap.9.

ITem come per le noble Roy Richarde nadgairs roy Dēgleterre puis le conquest second a son parliament tenus a Wesm̄ lendemaine dez almes lan de son Raigne 15 | ca. 2. | entre auters choses ordeines soit & establies que les estatutes et ordinaunces faitz & nient repelles de ceux que fount entrees oue forte maine et armes en ascunes terres tenements ou auters possessions quicunques et lour teignent eins oue force et armes & de ceux que fount insurreccionz, riotes, routes, chiuauchies, et assembles en disturbance de la peace nostre seigniour le Roy ou de la cōmen ley en affray de son people serroient tenus et pleinement et duement executz. Et ouster ceo ordeigne est per mesme lestatute q̄ toutz les foitz que tielz forcibles entrees soient faitz et pleint ent veigne as Justices du peace ou ascune deux que mesmes les Justices ou Justice preignent ou preigne poyar del countie, & voisent ou voise al lieu ou tiel force soit fait. Et silz trouent ou troue ascuns teignantes tiel lieu forciblement apres tiel entrye fait, soient prises et mises en procheine gaole a y demurrer conuicte de record de mesmes les Justices ou Justice tanque ils eient fait fine et raunsom au Roy. Et que touts gents de county sibien viscountz come

[illegible]

auters ſoient entendantz as ditz Juſtices et de eux enfozcer pur arreſter tielz maleſaiſors ſur peine denpziſonment et de faire fine et ranſome au Roy. Et que en meſme le maner ſoit fait de ceux que ſount fozcibles entryes en beneſices ou offices de ſaint eſgliſes, cõe en meſme leſtatute eſt conteine plus au plein et per taunt que le dit eſtatute nextenõ mye, as entries en tenementes en peaſible maner et apzes teñ oue fozce: ne ſi les pſons qui entrent oue fozce, en aſcunes terres ou tenements, ſoient de tout remoues et voides deuaunt le venue des dites Juſtice ou Juſtic come deuaunt, ne nul peine ozdeine, ſi le viſcounts ne obeye mye les commaundemẽtes et pzecepts des dites Juſtices pur executer lozdinaunce ſuiſdit: pluſours extozcemenſes & fozcibles entries ſont faitz de iour en auter, en terres et tenements, per ceux qui dzoit nont, & auxy diuers dones feoffements et diſcontinuances aſcune foitz faits as ſeignmours et auters perſones, puiſſants & extozcioners deins les ditz counties, ou ilz ſont conuerſantes, pur maintenaunce auoir, et aſcune foits as tielx perſons enſy ouſtes, diſconus a tiel entent, pur delaier et defrauder tielx dzoiturels poſſeſſours de iour dzoit et recouerer, a toutes iours a final diſherizon de pluſours des meſmes foialz lieges nẽt Seigniour le roy, et ſemblable eſt dencreſſer de iour en auk, ſi due remedy ne ſoit puruen en cel party. Noſtre ſeigniour le roy conſiderant les pzemiſſes ad ozdeine que le dit eſta-

tute

tute et toutes auts estatutes de tielz entries ou alienacions deuant faitz, soient tenus et duement executes adioustant a icelles, que desore en auant, ascune face tiel forcible entr̄ en terres tenementes ou auters possessions, ou eux teigne forciblement apres compleint ent fait deins mesme le countie lou tiel entry soit fait as Justices du peace ou a vne deux per la partie greue, que les Justices ou Justice ensy garnye, deins temps couenable facent ou face duement executer le dit estatutes, et ceo as costages de la partye ensy greue. Et ouster ceo, comment que tiels persones faisantes tiels entryes, soient presentes ou voides, deuaunt le venue des dits Justices ou Justice, maintenaunt mesmes les Justices ou Justice, en ascune bon ville, plus procheine as tenementes ensi entries, ou en ascune lieu couenable, solonque lour discrecion, eient et chescune deux eyt aucthoritye et poiar denquere per les gentes de mesme le Countye, auxybien de ceux que fount tielz forcibles entries en terres et tenementes, come de ceux que ent teignent oue force. Et si troue soit deuant ascune de eux que ascune face le contrarye de cest estatute, adonqꝫ les ditz Justices ou Justic̄, facēt ou face reseiser les frez ou teñts ensi entries, ou tenus come deuāt, ⁊ metter la ꝑty ensi ouste en plein poss. de m̄z les terrez ou tenementz come deuaunt entryes ou tenus. Et si ascune persone apres tiel entrye en terres ou tenementes tenus oue force, face

feoffement, ou auter discontinuance, al ascuñ seigniour ou auter parson pur maintenance auoir, ou pur toller et defrauder le possessor de son recouerer en ascune maner, si apres en assise ou auter accion ent estre prise ou pursuer deuant Justices des assises ou autz Justices du Roy quicunque per due enquerer ent apprendre, purra duemẽt estre proue mesmes les feoffements et discontinuances estre faits per maintenance, come desuis est dit, que adonques tielx feoffements ou autz discontinuances ensi come deuant faitz soient voides irrites et tenus pur nul. Et auxy quant les ditz Justices ou Justice, ferront tielz enqueres come deuaunt, facent ou face lour garrauntz et preceptes directes as viscount de mesme le Countie, luy commaundant de per le roy de faire venir deuant eux et chescune deux parsones sufficiantz et endifferentes, pluis procheine demurrants ent les tenementz ensy entries, come deuant denquerer de tielz entries dont chescuneque serr empanel denquerer en celle party, eit terre ou tenñt dãnuel value de xl.s p an au meinz, ou les reprises. Et que le viscont retourne issue sur chescune deux a iour de primer precepte retornable xx.s. et al second iour xl.s. et al tierce foitz C.s. et a chescune iour apz le double. Et si ascune visc ou bailife deins franchise eiant retourne de br du Roy, soit lathe & ne face duement exer des dits preceptes a luy directes pur tielz enqueres faire, que il forfaite deũs le Roy xx.li. pur chescune defaute,

faute, et ouꝛ face fine et ransom au Roy. Et que auxybien les Justices ou Justice auant dits cõe les Justices des assises a lour venir en pais, pur assises prendre, eiet et chescune deux eit, poiar doier et ꝛminer tiels defautez et negligences des dits vicountz et bailifes, et chescune deux, auxibien ꝑ bille al suite del party greue, pur luy mesme, come pur le roye a suer, come per enditement apprendre pur l' Roy solement. Et si le viscount ou bailife soit duement attaint en cel ꝑtie ꝑ enditement ou ꝑ bille, que celuy que sue pur luy & pur le Roy eit vn moity del forfaiture de xx.li. ensemblement oue ses costages et expenses: Et que mesme le proces soit fait vers tielz enditz ou sues per bille en cell' partie sicome serroit vers endicts ou sues ꝑ bre de trñz oue force et armes encounter la peas de nostre seigniour le Roy. Et oustre ceo si ascune persone soit ouste ou disseisie de ascuns terres ou tenementes oue forcible maner, ou ouste peasiblement et aꝑs tenus de hors oue forte main et armes, encounter la Justice du peace, ou apres tiel entre ascune teoffement ou discontinuaunce en ascune maner ent soit fait pur defrauder et toller le droit del possessour, que la partie greue en celle partye eyet assise de nouel disseisine en briefe de Trespas vers tiel disseisoure. Et si la party greue recouere per assise ou per accion de Trespas et troue soit per verdite ou en auter maner per due fourme en ley, que la parrye defendaunt entra oue force en terres & tenements

ou

ou eux per force ayres son entry tiendra, que le pl' recouera ses dam̃ ou treble, vers le defendaunt. Et ouster ceo que il face fine et ransome au Roye. Et que Maiors Justices ou Justice, de peace viscountes et bailifes des Cityes & Boroughes, eiants frãchise. eiant en les ditez Cities, villes, & boroughes autiel poiar de tiels entries ouster et en auters articles deſuisdites emergentes deins iceiles, come ont les Justices du peac̃ et viscountes en counties & pais suisdytes. Purueu toutes foites, que ceux que gardent per force lour possessions en ascunes terres ou tenementes dont ils ou lour auncesters, ou ceux queux estate ils ont en tiels terres ou tenementes ont contynues lour possessions en iceiles, per trois ans ou plus, ne soyent mye endam̃ per force de cell' estatute.

¶ Finis.

Tem le Roy conſiderant les graundes periurye, extorcion et oppreſſyon, queux ſont et ont eſte en ceſt Roialme per ſes viſconts ſouth viſconts et lour clerkes cozoners, ſeneſchales des fraunchiſez bailifes et gardes des priſons et autres officers en diuerſes cõuntes de ceſt roialme ad ordeine per laucthozitie ſuiſdit en eſchewing de touts tielz extorcion periurie et oppreſſion que nulle viſcont ieſſe a ferme en aſcune mañ ſon county, ne aſcune de ſes bailiwikez hundredes ne wapentakes, ne q̃ les ditz viſconts ſouth viſ̃ bailifs des franchiſes, ne aſ̃ auk bailifes retourne lur aſ̃ br̃e ou p̃cepte a eux direct de retournñ aſcũs enq̃ſtes, en aſ̃ panell̃ ſur ceo deſtre fait, aſcuns bailifez officers ou ſeruantz a aſ̃ de les officers ſuiſditz en aſcune panel p eux tiſſint affaire, ne q̃ nulle des officers et miniſters per occaſiõ ou ſoubz colour de lour office, preigne aſcune auter choſe, per eux ne per aſcune auter perſone a lour vſe profite ou auail, daſcune perſone per eux ou aſcune deux deſtre arreſtus, ou attaches, ne de nul auter pec eux pur la leſſer daſcune arreſt ou attachement deſtre faites per lour corps, ou daſcune perſone per eux ou aſcune deux per force ou colour

cels de lour office arrestus ou attaches pur fine fee, sewet del prison mainprise, lessaunce a baile, ou monstrance ascune ease ou fauour a ascune tiel person issint arrestus ou arestes pur lour regarde, ou profite, sinon tiel come ensuit, cestassauoir pur le viscount xx.ō. le bailife que face larrest ou attachement iij.ō et le gaoler si le prisoner soit commis a la garde iij.ō. Et que le viscount, south viscount, clerke de viscount, seneschall' ou bailife de fraunchise, seruant ou bailife, ne coroner, preigne per colour de son office per luy ne per ascune auter persone a son vse, dascune persone pur le faisour dascune retourne ou panell' ascune chose, et pur le copie dune panel iij.ō. Et que les dites viscountes et toutes auters officers et ministers auauntditz, lesseront hors de prisone, touts maners des persones per eux ou ascune deux arestiers, ou esteants en lour garde per force dascune briefe bille ou garraunt en ascune accion personell'z ou per cause dendictment de tresspas sur reasonable suerty de sufficiantes persones, eiants sufficiante deins les counties lou tiels persones sont issint lessés a baile ou mainprise de garder lour iours, en tielz lieux, come les ditez briefs billes ou garrauntz requirent, tiel persone ou persones q̄ sont ou serront en lour garde per condemnacion, execucion, capias vtlagatum, siue excōmunicatum, suertie de la peace, et toutes tielz persones que sount ou serront commis a gard et p especial commaundement dascune

Justice

Justice, et vagarantes, refusãts de seruire, solonqꝫ la fourme de lestatute de Laborers tantsolement except. Et que nul viscount, ne nul de ses officers ou ministrs suisdits, p̃ign̄ ou face de prendre ou faire, ascune obligacion per ascune cause suisditez, ou colour de lour office, sinon tantsolemẽt a lour mesmes, dascune person ne per ascune persone, que soit en lour garde, per le cours de la ley forsque sur le nosme de lour office, & sur condiciõ escrie, que les ditez prisoñs, appergeront a le iour content en les dits br̃es billes ou garrant eit en tielz lieux ou les ditez br̃ez bilz ou garr̃ requirez. Et si ascune des ditz viscõts ou autz officers ou ministers suisditz, p̃igne ascun obligacion en aut̃ fourme, ꝑ colour de lour offices, que il soit void, & q̃ il ne preigne plus pur le fesance dascune tiel obligac̃ garrant ou precept ꝑ eux destre fait forsqꝫ iiij. d̃ Et auxint que chescune de les ditz viscountz face annuelment vn depute en les courtz due roy de sa chaũcery, le banke et leschequer de record̃, deuant que ilz retournent ascũs br̃s de Resceyũ toutz mañs des br̃ez et garrãts a eux deste deliueres. Et q̃ toutz visc̃ south-viscoũtz, clerkes, bailifes, gaolers, coroners seneschalz, bailifes des fraunchises ou ascune auters officers ou administers q̃ux fount le contrary de cest ordinance en asc̃ point dicell' ꝑde al ꝑty en ycell' endam̃ ou greue ses trebles dam̃ et forfait la summe de xl.li. a chesc̃ tẽps q̃ eux ou dasc̃ deux font le contrarie dicell', en asc̃ point dicell', dont le Roye dauer

lune

lune moitie, ceo deste emploies al vse de son hostiel, et en nul aut maner, & la party q̄ ceo voet suer laut moity. Et que les Justices des assises en lour Sessions, Justice de lun bank et de lauter, & Justice de peace en lour pais, etant potar denquerer oier & termin del office sans especial commission, du & sur toutz pceux que ferrent le contrary dicelz ordinā-ces en ascūe article ou point dicell'. Et si les ditz viscounts retornent sur ascune persō cepi corpus, ou reddidit se, que ilz soiēt charge-ables dauer les corps des ditz persons a les iours des retournes des ditz briefes, bylles ou garrantz, en tiel fourme come ils feurent deuant la fesance de cest acte. Purueu touts foitz que per cest present ordinaunce le gar-deine del gaole du Roy de Fleete, et del Pa-leis du Roy a westm̄, pur le temps estcant ne soit endam̄ ne prciudice en son dui-tye de son office, et auxint que cest ordinance commencea al feast de Pasche que serra en lan de nostre Seignior 1446.

¶Fines 8. Cap.24.

Item where it was ordeined in the time of king Edwarde the first, by the statut de Finibus, that notes & fines to be leuied in the kinges court afore his Justices, should bee openlye and solempnely reade. And that plees in the meane time shoulde cease. And this to bee done by .v. daies in the weeke, after the discretion of the Justices, as in the saide statute more plainely appeareth. |Vide statutū de Finibus leuatis 27.E.1. fines 1. before anno.34.E.3.cap.6. fines 4.| The kinge our soueraigne Lord, considereth that fines oughte to bee of the greatest strength to auoide strifes and debates, and to the finall ende and conclusion, & of suche effecte were taken, afore a statute made of none clayme, and now is vsed the contrary, to the vniuersal trouble of the kinges subiectes, Wil therfore it be ordeined, by the aduise of the lords spirituall and temporall, and the commons in the said parliament assembled, and by auctority of the same, that after the ingrossing of euery fine to be leuied, after the feaste of Easter, that shalbe in the yeare of our lorde. 1490. in the kinges courte, afore his Justices of the common plees, of any landes tenementes or anye other hereditamentes, the same fine be openly & solempnly read & proclaimed in the same courte the same terme,

and

and in three termes than next folowing the same ingrossing in the same courte, at fower seuerall daies in euery terme. And in the same time that it is so red & proclaimed all plees to cease. And the saide proclamations so had and made, the fine to be final ende and conclude, as wel priueys as estraungers to the same, except women couert, other than beene parties to the saide fine, and euery person than beeing within age of xxi. yeres, in prison, or out of this realme, or not of whole mind at the time of the said fine leuied nor parties to such fine And sauing to euery pson or persons and to their heires, other than the parties in the saide fine, such righte clayme and interest, as they haue to or in the sayde landes, tenementes, or other hereditaments, time of such fine ingrossed. So that they pursue theire title, claime or interest, by way of accion or lawfull entre, within fyue yeres nexte after the saide proclamacions had and made. And also sauing to all other persons, such accion, right, title, claime and interest, in or to the saide landes, tenementes, or other hereditamentes as first shal growe, remaine, or discende, or come to them after the saide fine ingrossed and proclamacion made, by force of anye gifte in the taile, or by anye other cause or matter had and made before the saide fine leuied, so that they take their accion, or pursue their saide righte and title according to the lawe within fyue yeres next after suche accion, righte, clayme, title or interest.

interest to them accrued, descended, fallen, or come, and that the saide persones and theire heires may haue their saide action, agaynst the pernour of the profites of the said landes and tenementes and other hereditamentes time of the said action to be taken, and if the same persones at time of suche action, right and title accrued, descended, remained, or come vnto them, bee couert baron or within age, in prison, or out of this lande, or not of whole minde: That then it is ordeined by the saide auctorities, that theire action, right and title to bee reserued and saued to them and to their heires, vnto the time they come and be at their full age of .xxi. yeares, out of prison within this lande, vncouert, & of whole minde, so þ they or their heires take their saide actions, or their lawful entre, according to their right and title, within fyue yeres next after that they come & bee at their full age out of prison, within this lande vncouert and of whole minde. And the same actions pursue, or other lawfull entre take, according to the lawe. And also it is ordeined by the auctorities aforesaid, that al such persones as be couert de baron, not party to the fine, and euery person being within age .xxi. yeres, in prison or out of this lande, or not of whole minde at time of the saide fines leued and engrossed, and by this said acte a-fore except, hauing any right or title, or cause of action, to any of the said landes and other hereditamentes, that they or their heires

inheritable to the same take their saide actions or lawful entre, according to their right and title, within.v yeres next after they cõe and be of age of.xxi.yeres, out of prison, vncouert, within this land, and of whole mind and the same actions sue, or their lawful entre take & pursue according to the law. And if they do and take not their actions & entres is aforesaide, that they and euery of them and their heires, & the heires of euery of thē be concluded by the saide fines for euer, in like forme as they bene & ben parties or privies to the saide fines. Sauing to euery person or personnes, not party nor priuy to the saide fine, their exception to auoide the same fine, by that that those |that| were partyes to the fine, nor any of them, nor no persō, nor psons to their vse, ne to the vse of any of thē had nothing in the landes & tenements compriſed in the said fine at the time of the saide fine leuied. And it is ordeined by the saide authoritie, that euerye fine that hereafter shall be leuied in any of the kinges courtes, of any manors, landes tenementes, and other possessions, after the maner, vse and fourme that fines haue bene leuied afore the making of this act, be of like force, effect and authoritie, as fines so leuied bee or were afore the making of this acte, this acte or anye other acte in this saide parliament made or to bee made, notwithstanding. And euery person be at his liberty, to leuye any fine hereafter, after his pleasure, whether he will after the

fourme

wynne conteined and ordeined in & by thys act, or after the maner & fourme aforesayns sed.

women.

¶ Anno. 11. H. 7. Cap. 20. Discontinuaunce of right or estate.

FOr certaine reasonable considerations be it ordeined, enacted & established, by the king our souereign lord, and by the assent of the lords spirituall and temporall, and the commons in this present parliament assembled, and by authoritie of the same, that if any woman whiche hath had, or hereafter shal haue, any estate in dower, or for terme of life, or in taile iointly with her husbande, or onely to her selfe or to her vse, in any manors, landes tenementes, or other hereditaments, of the inheritaunce or purchace of her husbande, or geuen to the saide husbande and wife in taile or for terme of life, by any of the auncesters of the saide husbande, or by any other person seased to the vse of the saide husbande, or of his auncesters, and haue or shall hereafter being sole, or with anye other after taken husbande, dyscontinued or discontinue, alyened, released, or confirmed, alyene, release or confirme, with warraunty, or by couyn suffred or sufferanye recouerye of the same, agaynst them or anye of them

or any other seased to their vse, or to the vse of either of them, after the fourme aforesaid, that all suche recoueries, discontinuaunces, alienations, releases, confirmacions & warranties, so had and made, & from henceforth to be had and made, be vtterly voide and of none effect. And that it shalbe lefull to euery person and persons, to whom the interest title or inheritaunce after the decease of the said women of the said manors, landes and tenementes or other hereditamentes, beyng discontinued, alienes or suffred to be recouered after the first day of December next cōming, in the fourme aforesaide should appertaine, to entre into all and euery of the premisses, and peasybly to possesse and enioy the same, in such maner and fourme as he or they should haue done, if no suche discontynuance, warranty, nor recouery had bee had nor made. And ouer this be it ordeined and enacted by the saide auctoritie, that if anye of the saide husbandes and women, or anye other seased, or that shal be seased to the vse of them, of the estate afore specified, after the saide first day of Decēber, do make or cause to be made, or suffer any such discontinuāce alienations, warraunties, or recoueries in fourme aforesaide, that then it shalbee lefull to the person or persons, to whom the sayde tenementes should or ought to belong after the decease of the said woman, to entre into the same, and them to possede and enioy, according to such title & interest, as they shold haue

haue had in the same, if the same womā had ben dead, no discontinuance nor recouerynes had as against the said husbande during his life. if the saide discontinuaunce, alienation, warranties and recouries be hereafter had by or against the same husbandes and womē during the couerture and esposel betwixt thē

Prouided alway that the sayde women, after the decease of their saide husband, may entre into the manors, landes and tenements, and them to enioy according to their first estate in the same. And ouer this bee it ordeined and enacted by the saide auctority that if the saide women at the time of suche discontinuance, alienatiōs, recouries, warranties, after the saide first day of December, in fourme aforesaide to bee had & made of any of the premisses be sole, that then shee shalbee barred and excluded of her title and interest in the same from thencefoorth, & that the person and persons to whom the title interest and possession of the same shoulde belong after the decease of the saide women, shall immediately after the saide discontinuance, alienations, warranties and recouries, enter into the same manors, landes, tenementes and other hereditamentes, & them to possede and enioy according to his or their title in the same. Prouided also that this act extende not to auoide any recouery, discontinuance or warrantie after the fourme aforesaide, afore this time had made or suffred, but onely where the saide husband & womā,

or eyther of them nowe beynge alyue, or any other to their vse, now haue interest and tytle to the sayde manours, landes, tenemẽts or other hereditamentes alyened, discontynued, or suffered to bee recouered after the fourme aforesaide, and thereof nowe, taking the issues and profites, or anye other personne or personnes to their vse. Prouyded also that this act extende not to any such recouery, or discontinuaunce to be had with the heires next inheritable to the saide woman, or hee or they that next after the death of the same womã should haue estate of inheritaunce in the same manours, landes or tenements, bee assentyng or agreable to the saide recoueries, where the same assent and agreement |be| of record or inrolled. Prouided also that it shalbe lefull to euery suche woman being sole or maried, after the death of her first husbande, to geeue, sell or make discontinuaunce of any such lands terme of her life onely, after the course and vse of the common law before the making of this present acte.

¶ In

¶An acte concerning actions populer and statutes penall. An. 7. H. 8. Cap. 3.

Accions populer. 3.

Where diuers and manye penall statutes and ordinaunces haue ben made & ordeined, some whereby the punishments geeuen onelye to the kynge our soueraign Lord, his heires and successours by action, writte, bill indictement, or informacion, and some wher by the king by him selfe, anye other common person for the king or for him selfe onelye, may sue by writ, bill, indictement, or informacion against the offender or offenders in that behalf, and because of long tract of time and for sparing of the suite therof, and that then after suche long tract of time diuers & many of the kings true subiect haue bene in time passed vexed and troubled for the penal tees contained in the saide statutes and ordinances, more for malice then for Justice, whereupon periuries haue ēsued, to ye great trouble & vexation of the kings true subiects their heirs & executours, being ignoraunt of the said statuts & offences, wherefore, & for the tender loue & zeale that our soueraigne lorde the king beareth to his said louing subiects, & at their humble desire. Be it enacted ordeined and established by his highnes, and by the assent of the lords spiritual & tēporal,

and the commons in this present parliamēt assembled, and by the aucthoritie of the same that all and singuler suche actions, suites, billes, indictementes, or informacions, as frō the.xx.day of the moneth of Nouember the.vij. yere of our saide souereigne lordes reigne shalbee commenced, taken, sued, had or made, only for any debt, moueable goods or cattailes forfaited and lost, or to bee forfaited or lost, whereunto the king onely, hys heires or successours, and none other common person, shal or may be entitled by reasō of the saide penall statutes or anye of them, shalbe commenced, sued, taken, or had with in fower yeres next after the offence or offences, forfaiture or forfaitures, of or for the same, had or made against the ordinaunce & prouision of any suche acte or actes, statute or statutes penall, and not after the saide fower yeres. And that for any offence or forfaiture made or had, or to be made or had against the ordinaunce and prouision of anye acte or actes penall, made and ordeined, or to be made and ordeigned, wherby action, suite bille, or informacion populer is or shall bee geuen to any personne or personnes, suche as will sue for the kinge and for him or them selfe, or onelye for him or them selfe, that suche accion, bill, suite, or informacion bee commenced, sued, had and made, by such persone or persones, other then the king, as wil sue in that behalfe, within one yere next after the offence or forfaiture had made or

committed

committed againſt the ordinaunce and pro-
uiſion of any ſuche acte or actes penall, and
not after the ſaid yere ended. And that the
kinges ſuite by writte, bille, playnt, endicte-
ment, or informacion on that behalfe, be com
menced, ſued, had or made within two yeres
next after the offence or forfaiture made or
had againſt the prouiſion and ordinaunce of
any acte or actes, ſtatute or ſtatutes penall,
and not after the ſaid two yeres: And if any
action, ſuite, bill, indictement, or informacion,
concerning the forſaide ſtatutes, or anye of
them, be had or made otherwiſe, the with-
in the time or times limitted, as is aforeſaid,
that then the ſame action, ſuite, bill, indicte-
ment, and informacion, and euerye of them
commenced, ſued, had or made for the ſayde
offence or offences, forfaiture or forfaitures,
ſhalbe voide and of no force ne effecte, anye
acte or actes ſtatute or ſtatutes made to the
contrary notwithſtanding.

Prouided alway, that where any acti-
on, informacion, or indictemente, is limit-
ted by any ſtatute, to bee had, made or
taken within ſhorter time or
times, then (as is afore reher-
ſed) that it be had, made
and taken according
to the time limit-
ted in that ſ-
tatute.

In

¶ An acte concerning aduowries for rents and ſeruices. Anno. 7. H. 8. Cap. 4.

Recoueries. I.

VVHere as diuers, aſwell noble men as other the kings ſubiectes, haue ſuffred recouerye agaynſt them of diuers their manours, lordſhips, landes, and tenementes, for the perſourmaunce of their willes, or for the ſuertie of their wiues ſeintours, or for the ioyntour of ſonnes and heires apparaunt and their wiues, or for any other perſonne or perſonnes accordyng to their couenantes and agrementes, and thoſe perſones that ſo haue recouered the ſayde manours by the courſe of the common law, had no remedy nor may haue, to compel the fermour, freholders and tenauntes, whiche helde of the ſame manours by the rents ſeruices or cuſtomes, to attourne to them, nor coulde by the order of the lawe atteine to the rents, ſeruices, or cuſtomes (if they were denied) by diſtreſſe or action, Withoute they could once attein to the poſſeſſiō of the ſame rentes, ſeruices and cuſtomes by payyng or doyng the ſaide rents ſeruices, or cuſtomes by the ſame freholders, fermors and tenāts, which to do, diuers and many of them haue oftentimes refuſed, & yet do, to the great offence and charge of their conſcience, not onely to the diſheritāce of ỹ ſaid recouerers, but alſo in breaking of ỹ laſt wils of thē againſt whom

whō such recouery is had: & also to the dis-
heritance of the said husband, wiues & other
to whose vse the same recouerie was so had
Also if there were any aduowson appendāt
to any of the said manours, the same aduow-
son had fallen voide, & a straunger had pre-
sented, ỹ said recouerers, nor they, to whose
vse the same recoueries were had, had no
remedy for the same disturbance, & somtime
therby they haue ben disenherited. Be it ther
fore enacted by this present parliament, and
by the aucthoritie of the same, that the reco-
uerers in all such recouerie s, their heirs and
all assignes, may from hencefor th distreigne
for the foresaid rents seruices, and customes
so being due and vnpaied, and make auowry
or iustify the same, as those persons, against
whom the said recouery is, should haue done
if the said recouery had not been had, and al-
so haue like remedy for the recouering of the
said rent seruices, and customes by auowry,
and also Quare impedit for the said aduow-
son, if any disturbāce be made, as those per-
sōs against whom the said recoueries were
had, might or should haue had, by ỹ course of
ỹ cōmō law before ỹ said recouy if any such
rents seruices, or customes had been denyed
thē, or any such disturbance had been had in
their times. And also that euery auowāt, &
euery other person or persones that maketh
auowrie, conisaunce or knowledge, or iusty-
fie as baily, to any other person or persons,
in any Replegiary: secōd deliuerāce, for any
ten, custōe or seruice, if their auowry, conisāz
or

or iustification be found for them or ỹ plaintifes in the saide actions other wise barred, shall recouer their damages and costes that they haue susteyned, as the plaintife shoulde haue done, if they had recouered in the saide repleuins. |See after Anno. 21. H. 8. ca. 19. Nowzie. 1.

¶ Assise.

¶ An acte concerning Abridgements of plaintes in Assise. Anno. 21. H. 8. cap. 3. Assise. 17.

FOr asmuche as assises whiche haue been thought the moste spedy remedy, be now by occasion of pleding of many barres to moities, and partes, of the landes put in view and plaint, greatly delaied, for difficulties and diuision of pleding And one cause thereof is, because the playntifes in the assise in suche plees, to moyties, and parties, can not by the law abridge their plaintes, For remedy wherof, be it enacted that the plaintife in euery assise from hensforth, may at his pleasure, sever and abridge hys playnt, of any parte or partes whereunto any barre is pleaded, in suche like maner, as he or they might do, in case the plees in barre had bee made and deuided, to anye certeintie or number of acres in the plaint, & that the plaint for the residue of the parte

or

or parts of the landes not abridged, shalbe & stand good & effectuall in the lawe.

¶Spirituall persones.

¶An acte against pluralities of benefices, for taking of termes by spiritual men, and for residence. An. 21. H. 8. Cap. 13.

Residence. 2.

FOr the more quiet and vertuous increase and mainteynaunce of divine seruice, the preaching and teaching the worde of God, with godly & good example geuing, the better discharge of curates, the maintenaunce of hospitalitie, the releefe of poore people, the increase of deuocion, and good opinion of the lay fee towarde the spiritual persons: Be it enacted, ordeined and established by ỹ kyng our soueraigne lorde, with the assent of the lordes spirituall and temporall, and the commons in this present parlyament assembled and by aucthoritie of the same, that no spiritual person, seculer or reguler, of what degree so euer he or they bee, shall from hencefoorthe take to ferme to him selfe or to anye persone or personnes to his vse, of the lease or graunt of the king our soueraigne lorde, nor of any other perso or persons, by letters patents, endentures, writings, by worde, or other-

otherwise by any maner of meanes, any manours, landes, tenenementes, or other hereditamentes for terme of life, for terme of yeres, or at will, vpon peine to forfaite tenne pound for euery moneth that he or any other to his vse shall occupie any suche ferme, by reason of any such lease or graunte hereafter to be made. The one halfe of whiche forfayture to bee to the king our soueraigne lorde, and the other halfe therof to euery such person as will sue for the same by original writ bill or plaint of debt, or by any informacion in any of the kings courtes: in which action and suite no wager of lawe shalbe admitted for the defendant, nor any essoine or protection allowed.

¶ And be it also enacted by the aucthority aforesaid, that all & euery such spiritual person or persons, which nowe haue or occupy in ferme by them self or by any other to their vse, any manours, landes, tenementes, or hereditamentes, of the leasse, or graunte of the king our soueraigne lorde, or any other person or persones, for terme of life or for yeres or at will, by any writing or otherwise, or that nowe haue any annuall rentes, or other annuall aduantage or profite, by occasion or colour of any such leasse or ferme, shal clerely bargaine, sell, geeue or graunte awaye on this side the feast of saint Michell the Archangel next comming to any suche lay person or persones, as they will at their owne nominacions and appointmēt all such leasse,

ferme

terme, intereſt, and profite as any ſuch ſpiri-
tual perſone, or anye other to his vſe nowe
hath or haue, in, or by reaſō of any ſuch ferm
ſo that in no wiſe any ſuche ſpirituall perſon
or perſons at any time after the ſame feaſte,
by them ſelfe or any other to their vſe by any
maner of meanes, fraud or male engine, ſhall
haue, vſe, or occupie in ferme, any manours,
landes, tenementes or hereditaments, of the
demiſe, leaſſe or grante of any perſon or per-
ſons heretofore made, or hereafter to bee
made, to them ſelfe or to anye other to their
vſes: nor from the ſaid feaſt ſhall take anye
annuall rent or other annuall aduantage or
profite, by occaſion or colour of anye ſuche
leſſe or ferme by anye maner of meanes, vp-
pon paine to forfait for euery moneth ſo oc-
cupying any ſuche farme, at any time after the
ſaid feaſt contrarie to this preſent act, terme
pounde, and vpon paine to forfait tenne ty-
mes as muche as any ſuche ſpirituall perſon
or any to his vſe, ſhall take in anye annuall
rent, aduantage or profit, by occaſion or co-
lour of any ſuch leaſſe at any time after the
ſaide feaſte. The one halfe of whiche forfai-
tures to be to the kynge oure ſoueraigne
lorde, and the other halfe to hym that will
ſue for the ſame by originall writte, bylle,
or playnte of debte, or by informacion in any
of the kynges courtes, in whiche action
and ſuite no wager of lawe ſhalbee admit-
ted for the defendant, nor any eſſoine or pro-
tection allowed.

¶ And

¶ And be it also enacted that all such leases made or hereafter to be made vnto any suche spirituall person or persons, or to anye other to their vse, for terme of life, terme of yeres, or at will, of any manours, lands, tenements or hereditaments, whereof they or any of them shal take any profyt, or medling by them selfe or by any to their vse, after the saide feast of saint Michell, by colour of any suche lesse or graunt, (and not by them bargained, graunted, and solde away before the saide feaste, as is before limitted) shall from thencefoorth be vtterly voide and of none effecte, as well against the lessour or lessours grauntour or grauntours, their heires and assignes, and against euery of them, as against the lessee or lessees, and their executours & assignes, & euery of them.

¶ Prouided alway that this present acte shall not extende to any spiritual person or persons, in, and for taking to ferme, any temporalties, duringe the time of vacations, of any archebishoprickes bishoprickes, abbeys priories, or other collegial, cathedrall, or conuentuall churches, nor to any spirituall person or persons, that shall tende or make anye trauers vpon any offices or office, concerning his or them freeholde.

¶ And be it also enacted by the authority aforesaid, that no spirituall person or persons secular or regular, of what estate or degree soeuer they be, shal from henceforth by him self, nor by any other for him, nor to his vse,

bargaine and buy to sell againe for any lucre gaine, or profite, in anye markets, faires, or other places any maner of cattelles, corne, wade, tinne, hides, lether, tallow, fishe, wolle, wood, or any maner of vittaile, or marchandise what kinde so euer they be of, vpon peine to forfaite treble the value of euery thing by them, or by any to their vse bargained and bought to sell againe contrarie to this preset acte. And that euery such bargaine and contract hereafter to be made by them, or by any to their vse contrary to this acte, shall bee vtterly voide and of none effect. And the one halfe of euery such forfaiture to be to ỹ king our soueraign lord, and the other half to him ỹ wil sue for ỹ same by original writ of debt bil, plaint, or informacio, in any of the kings courtes. In which action or suite no wager of lawe for the defendaunt shall be admitted nor any essoine nor protection allowed.

forfeiture nine.

¶ Prouided alwaye, that if any such spirituall person or persons, shal happen hereafter without fraude or coume to buy any horses mares, or mewles to the onely intent to occupye for him selfe or his seruaunts, to ride to and fro, vpon his necessary busines, or anye other cattels or goodes, to the onely intente and purpose at the buying thereof to be employed and put in, and about his necessarye apparel of his owne house, or of his persone and seruantes, or in, for and about the onely occupying, manuring, or tillage of his owne glebe or demeaned landes annexed to hys

churche, or for the necessary expenses of hys owne householde keping. And after the buying of any such horses, cattels, or goodes, or exercise of them or anye of them, happeneth to mislike any of them, that they shoulde not be good, profitable nor conuenient for any of the purposes aboue saide, for the which they were bought, that then euery such spiritual person or persons may lawfully bargain and put away such thinges so by him bought, without fraude or couine for any of the purposes aboue saide, at his pleasure and aduantage this acte or any thing therein contained not withstanding.

¶ Prouided alway, that al abbotes, priours, abbesses, prioresses, prouostes, presydentes, masters of colleges and hospitalles, and all other spiritual gouernours, and gouernesses of anye spirituall monasteries or houses of religion, by what name or names soeuer they be called, hauing manours landes and tenementes, hereditamentes, and other yerely profites, in the righte of their monasteries or houses, of the yerely value of viij. C. markes, or vnder, and not aboue, may dis and occuppe as much and as many of their demeane landes, fee fermes, and fermes to their most aduantage commodity and profite to and for the onelye maintenaunce of their houseboldes, and hospitalities, in as ample & as large maner as they or any of them, or their predecessours, or the predecessours of any of thē, at any time by the space of one C.

yeres

yeres last past, before the making of this act haue done, vsed, & occupied. Any thinge in this present acte to ye contrary notwithstãding.

¶ Prouided also, that euery other spiritual person and persones, not hauinge sufficient glebe or demeaine landes in their owne handes, in the righte of their churches, monasteries, and houses for pasturage of cattelles, or for increase of cornes, to and for the onely expenses of their householdes, or for their cariages and iourneis, may take in ferme other landes, and buy and sell corne and cattell for the onely manurance, tillage, and pasturage of such fermes, so that the increase therof be alwaies employed and put to, and for the onely expenses in their households & hospitalities, and not in anye wise to buye and sell againe, for anye other commoditye, lucre, or aduauntage anye corne or cattel, renewing, comming, or growing, in and vpon any such ferme or otherwise, but onely the remaine & ouer plus about their expenses of their householdes, if any suche shall happen to the breed and encrease thereof, without fraude or couine. Any thinge in this present acte to the contrarie hereof notwithstanding.

¶ And be it enacted by the aucthority afore said, that if any person or persons hauing one benefice with cure of soule, being of ye yerely value of viij. pounde or aboue, accepte and take any other with cure of soule, and be instituted and inducted in possession of ye same

that then and immediately after such possession had thereof, the first benefice shalbe adiudged in the lawe to be voide. And that it shal be lawfull to euery patron, hauing the auowson thereof, to present another, and the presentee to haue the benefite of the same, in such like maner and fourme as thoughe the incumbent had died or resigned, any licence, vnion, or other dispensacion to the contrary hereof obtained not withstanding.

¶ And that euery such licence, vnion, or dispensacion had, or hereafter to bee obtained contrary to this present acte, of what name or names, qualitie or qualities so euer they be, shal be vtterly voide and of none effecte. And if any person or persones at anye tyme after the first day of Aprill in the yere of our lord god. M.v.C. and xxx. contrary to this present acte, procure and obtaine at the court of Rome, or els where, any licence or licences vnion, tolleracion, or dispensacion, to receiue and take, any moe benefices with cure, than is aboue limitted, or els at any time after the the saide day put in execucion any such licēce tolleracion, or dispensacion, before that obtained contrary to this acte, that then euerie such person or persones, so after the said day suing for himselfe, or receiuing and takynge such benefice by force of suche licence or licences, vnion, tolleracion, or dispensacion, that is to say, the same person or persons only and none other, shal for euery such defaut, incurre the daunger, peine, and penaltye of

xx.

xx.li.sterlinge. And also lose the whole pro-
fites of euery suche benefice or benefices, as
he receiueth or taketh by force of any suche
licence or licences, vnion, tolleracion, or dis-
pensacion. The one halfe of which forfaiture
to be to the kinge our soueraigne lorde, and
the other halfe thereof to him that will sue for
the same by originall writte, bill, plaint, of
dette, or informacion in anye of the kinges
courtes, in which accion and suite no wager
of lawe, essoine, or protection for the defen-
dant shal be admitted or allowed.

Prouided alwaies, that this acte concer-
ninge the not keping of moe benefices with
cure of soule than one, extend ne be preiudi-
cial to any person or persones, which at any
time before the saide first daye of Aprill, in
the yere of our Lorde god M.v.C. and xxx.
shal be really intitled or possessed of any such
benefices with cure of soule, as concernynge
or touching any of the same benefices, wher
of they shall than be al reasonye really intitled
or possessed before the saide day, to or vnder
the number of iij. and not aboue, and if any
such spiritual person or persons so being in-
titled or possessed of moe benefices with cure
of soule than iij. do not by the said first day
of Aprill clerely and without perely pension
reuglie or otherwise geue vp all and euerye
such benefices and benefice as he shal be so
intitled and possessed of, aboue the said num-
ber, that then it shall be lefull for euery pa-
tron hauing the aduowson of any suche be-

nefite of the ſame in like maner and fourme as thoughe it had be voide by deathe or reſignacion of the incumbent, any licence, vnion, or other diſpenſacion to the contrary hereof obtained notwithſtanding. And this clauſe of preſentacion to bee taken and vnderſtanden, and of ſuch benefices with cure of ſoule, as were geuen to any ſuch ſpiritual perſone after the ſaide number of iij. benefices with cure furniſhed and fulfilled.

¶ Prouided alſo, that all ſpiritual mē now beinge, or whiche hereafter ſhall bee of the kinges counſaile, may purchace licence or diſpenſacion, and take, receiue, and kepe three perſonages or benefices with cure of ſoule, & that al other being the kinges chapleines, & not ſworne of his counſail, the chapleins of the queene, prince or princeſſe, or of any the kinges children, bretherne, ſiſters, vncles, or auntes, may lemblabye purchaſe ipcence, or diſpenſacion, and receiue and kepe two perſonages or benefices with cure of ſoule. And in likewiſe that euery archbiſhoppe and duke may haue vi. chapleines, whereof euery one ſhal and may purchace licence, or diſpenſacion, and take, receiue, and kepe two perſonages or benefices with cure of ſoule, and that euery marques and earle may haue fiue chapleines, whereof euery one may purchaſe licence or diſpenſacion, and take, receiue, and kepe two perſonages or benefices with cure of ſoule. And that euery viſcount and other biſhoppe, may haue fower chapleins, wher-

of

of euery one may purchace licence, and receiue, haue, and kepe two perſonages or benefices with cure of ſoule, as is afore ſayde. And that the chauncellour of England for the time being, and euery baron and knighte of the Gartar, maye haue three chapleines, whereof euery one ſhal now purchace licēce or diſpenſacion, and receiue, haue, and kepe two perſonages or benefices with cure of ſoule. And that euery ducheſſe, marques, counteſſe, & baroneſſe, being widowes, may haue iii chapleines, whereof euery one of thē may purchace licence or diſpenſacion to receiue, haue, and kepe, two benefices wyth cure of ſoule, and that the treaſourer & cōptroller of the kinges houſe, the kings ſecretary, & deane of his chappell, the kings amner, & the maſter of ỹ rolles, may haue euery of them two chapleines, and the chiefe Juſtice of the kinges benche one chapleine, and the warden of the fiue portes for the tyme being, one chapleine. Whereof euery one may purchace licence, and receiue, haue and kepe two perſonages or benefices with cure of ſoule. And that the bretherne and ſonnes of all temporall lordes, which are borne in wedlocke, maye euerye of them purchace lycence or diſpenſacion, and receiue, haue and kepe as manye perſonages or benefices with cure, as the chapleynes of a duke or an archbiſhoppe. And likewyſe the bretherne and ſonnes borne in wedlocke of euerye knighte, maye euery of them purchace

licence or dispensacion, and receiue take and kepe, two personages or benefices with cure of soule.

¶ Prouided al wayes, that the saide chapleines so purchasing, taking, receiuinge and kepinge, benefices with cure of soule as is aforesaide, shal be bounde to haue and exhibite where nede shall bee, letters vnder the signe and seale of the king, or other their lord and master, testifyng whose chapleines they be, and els not to enioye any such pluralitye of benefices by such chapleine Any thing in this acte not withstanding.

¶ Be it also prouided that al doctours and bacheliers of diuinitie, doctours of lawe, and bacheliers of lawe canon, and euery of them which shal be admitted to anye the saide degrees, by anye of the vniuersities of this Realme, and not by grace onely, maye purchace licence, and take, haue, and kepe two personages or benefices with cure of soule so that alwaies the saide libertie by anye of the prouisions before saide geuen to anye of the saide counsaillours, chapleines, and other persones before specified, to purchace licence or dispensacion, and take, receiue, and kepe, mo benefices than one, after the maner and fourme aforesaide, be taken and vnderstanden to extende in number to no more benefices with cure of soule, than is aboue limitted, accomptinge in the same and as parcell thereof, such benefices with cure of soule, as any of the said persones shal haue in real title

or

or in theire possession, at the laide first day of Aprill, in the yere of our lord God M.v.C. and xxx.

¶ Prouided also, that euery Archebishop, because he muste occupie viij. chapleines at consecrations of bishoppes. And euery Bishoppe because he must occupie vi. chapleines at geuing of orders and consecration of churches, may euerye of them haue ij chapleines more and aboue the number aboue limitted vnto them, whereof euery one may purchase licence or dispensacion, and take receiue and kepe as many personages & benefices with cure of soule, as is before assigned to suche chapleins.

¶ Prouided also, and be it enacted by aucthoritye afore said, that no person or persons to whom any number of chapleins or anye chapleine by any of the prouisions aforesaid is limitted, shall in any wise, by colour of any of the same prouisions, ausunce any spirituall person or persons, aboue the number to them appointed, to receiue or kepe anye mo benefices with cure of soule, than is aboue limitted by this acte, any thinge specified in the saide prouisions notwithstanding, and if they doe, than euery such spirituall persone and persons, so auaunced aboue the said nũber, to incurre the peine and penalty contayned in this acte.

¶ Be it also furthermore enacted by the authoritie aforesaide, that as wel euery spirituall person nowe beinge promoted to anye

arche=

archedeconry, deanry, or dignitie in any mo-nasterie or cathedral church, or other church conuentual or collegiall, or beinge beneficed with any personage or vicarage, as all and euery spirituall person & persones, whiche hereafter shal be promoted to any of the said dignities, or benefices, with anye personage or vicarage from the feast of saint Mighell the archangel next comminge, shal be perso-nally resident and abiding in, at and vppon his saide dignitie, prebende, or benefice, or at one of them at the least. And in case any such spiritual persone at anye time after the saide feast, kepe not residence at one of his said dig nities, prebende, or benefices, as is aforesaid but absent him selfe wilfully by the space of one moneth together, or by the space of two monethes, to be accompted at seueral times in any one yere, and make his residence and abidinge in any other places, by such tyme, that than he shal forfait for euerye suche de-fault x.li. sterling. The one halfe thereof to the king our soueraigne lorde, and the other halfe of the same to the partie that will sue for the same in any of the kinges courtes by original writte of debte, bil, plaint, or infor-macion. In which accion and suit the defen-dant shal not wage his lawe, nor haue any essoine or protection allowed.

¶ And if any person or persons procure or obtaine at the court of Rome or els where, anye maner of licence or dispensacion to be none resident at their said dignities, prebend

or

or benefices, contrary to this acte, that then euery such person or persons, putting in execucion any suche dispensacion or licence for hym selfe, from the saide first day of Apryll, in the yere of our lord god M.v.C.xxx shall runne and incurre in the penaltye, damage, and peine of xx. pounde sterlinge for euerye tyme so doinge, to bee forfaited and recouered as is aboue saide, and suche licence or dispensacyon so procured, or to bee put in execucion, to bee voide and of none effecte.

¶ Prouided alwaies, that this act of none residence shal not in any wise extende ne bee praudiciall to any such spirituall person as shall chaunce to be in the kinges seruice beyonde the sea, nor to any persone or persons going to any pylgrimage or holy place beyōd the sea, during the time that they shal so be in the kings seruice, or in their pylgrimages going and retournyng home, nor to any scholer or scholers beinge conuersaunt and abydinge for studie, without fraude or couine, at any vniuersity within this Realme or without, nor to anye of the chapleines of the kinges or queenes dailye or quarterlye attendinge and abydinge in the kinges or queenes most honorable householdes. Nor to any of the chapleines of the prince or princesse, or any of ỹ kings or queenes children, bretherne or sisterne, attending daily in their honorable householdes, during so longe as they shal attende in anye of their saide householdes.

Nor

Noꝛ to any chaplein of any archbiſchoppe oꝛ biſchopp, oꝛ of any ſpiritual oꝛ temporal lords of the parliament, daily attending, abidynge and remaininge in anye of their honoꝛable houſeholdes. Noꝛ to any chapleine of anye ducheſſe, marques, counteſſe, vicounteſſe, oꝛ baroneſſe, attending dayly and abydinge in any their honoꝛable houſholdes. Noꝛ to any chapleine of the loꝛd Chauntellour oꝛ Treaſoꝛer of Englande, the kinges Chamberlein oꝛ ſteward of his houſeholde foꝛ the tyme being, the treaſoꝛer and comptroller of the kinges moſt honoꝛable houſehalde foꝛ the time beinge, attending daily in any their honoꝛable houſeholdes. Noꝛ to any chapleine of any of the Knightes of the honoꝛable oꝛder of the gartet, oꝛ of the chiefe Juſtice of the kinges benche, warden of the poꝛtes, oꝛ alſo of the maſter of the rolles. Noꝛ to any chapleine of the kinges ſecretarie and deane of the Chapell, oꝛ amner foꝛ the time beinge, daily attending and dwellinge in anye their houſeholdes, during the time that anye ſuche chapleine oꝛ chapleines ſhal abide and dwell without fraude oꝛ couine, in any of the ſayde honoꝛable houſeholdes. Noꝛ to the maſter of the rolles oꝛ deane of the arches. Noꝛ to any chauncellour oꝛ commiſſary of any archbiſhoppe oꝛ biſhoppe. Noꝛ to as manye of the xij. maiſters of the chauncery, and xij. aduocates of the arches, as be oꝛ hereafter ſhal be ſpirituall men, duringe ſo longe time as they ſhal occupie their ſaid roumes & offices.

Noꝛ

Nor to any such spiritual persones, as shall happen by iniunction of the lord chauncellor or the kinges counsel to be bounde to anye daylye apparance and attendance to aunswer to the lawe, during the time of such iniunction.

¶ Prouided also that it shal bee lefull to euery spiritual person or persons, being chapleines to the kinge our soueraigne lord, to whom it shall please his highnes to geue anye benefices or promocions spirituall, to what number so euer it be, to accept & take the same, without incurringe the daunger, penaltye, and forfaiture in this estatute comprised. And that also it shal bee leful to the kinges highnes to geue licence to euerye of his owne chapleines for none residence vpon their benefices. Any thinge in this present acte contained to the contrary not withstanding.

¶ And be it furthermore enacted by the auctoritie aforesaide, that no spiritual parson, seculer or reguler, beneficed with cure, as is afore reherced, from the feast of Saint Mighel tharchangell next comming, by auctoritie of any maner licence, dispensacion, or otherwise, shal take any perticuler stipend or salarie to singe for anye soule, nor haue or occupie by him selfe or by any other to hys vse, any personage, or vicarage in ferme, of the leasse or graunt of anye persone or persones, nor take any profite or rent out of any suche ferme, vppon peine to forfaite xl. s. for

euery

euery such weeke that he or anye to his vse shal occupie, or haue anye suche stipende or ferme contrary to this present acte. And vpō peine to lose x. times the value of such profit or rent as he shal take out of any such ferme after the saide feast. The one halfe of whiche forfaitures to be to the king our soueraigne lord, and the other moity to him that wil sue for the same by original writte, byl, plaint of debte, or by informacion in any of the kings courtes, in which suit & accion no wager of law shal be admitted for the defendaunt, nor any essoine or proteccion allowed.

¶ Prouided alway that no deanrye, archdeaconrie, chauncellourship, treasorership, chauntership, or prebende in anye cathedrall or collegiall church, nor personage that hath a vicar indued, nor any benefice perpetually appropriate, be takē or comprehended vnder the name of benefice, hauing cure of soule in any article afore specified.

¶ Prouided also and bee it enacted by the aucthoritie aforesaide, that no spiritual person or persones reguler or seculer, of what estate, degree, or condicion so euer he or they be, from the firste daye of Aprill next comminge, haue, vse, or kepe, by him or them self, or by any person or persones to his or their vse or commodity, any maner of tanne house or tanne houses, to be vsed or occupied to his or theire owne vse, commoditie, or behoue nor from the said first day of Aprill next cōminge, shal haue, vse or kepe anye maner of brew-

brewhouse or brewhouses to any other vse intent, or behoue, than onely to be spent and occupied in his or their owne houses, vppon peine to forfaite for euery moneth so vsinge and occupying any of the saide misteries or occupacions x.li. The one moity thereof to the king our soueraigne lord, & the other moitie to him that will sue for the same by originall writte, bill, plaint of debt, or informacion in any of the kinges courtes in whiche accion and suite no wager of lawe shal be admitted for the defendant, ne anye essoigne or protection allowed.

¶ Prouided alwaies, that euery duches, marques, countesse, baronesse, wydowes, whiche haue taken or that hereafter shall take any housebandes vnder the degree of a baron, may take such number of chapleines as is aboue limitted to them being widowes and that euery such chapleine may purchace licence to haue and take such number of benefices with cure of soule, and haue like libertie of none residence in maner and fourme as they might haue done if their saide ladies and maisteresses had kept them self widowes Any thing in this present acte contained to the contrary notwithstanding.

¶ Prouided alwaies, that euery spirituall persone or persones, hauinge landes, tenementes or other possessions in the righte of their houses, aboue the yerelye value of viij C. marks, may kepe and retaine in their occupacion and manurance, as muche as their saide

saide landes and tenementes, and other possessions, as shall be necessarie and sufficient for pasturage of their cattelles, and for tillage of cornes to be employed and spent for the onely maintenance, sustentacion, and keping of his or their householdes and hospitalities, without fraude or couine, any thing in this present acte to the contrarye thereof not withstanding.

¶ Prouided alway that it may be lawful to euery spiritual persone and persones, to take in ferme any meases, mancions, or dwelling houses, hauing but onely orchardes or gardeines, in any citye, borroughe, & towne for their owne habitacion or dwelling. Any thing in this acte to the contrary not withstanding. So that no person spirituall other than be aboue prouided for, for their none residence haue anye libertie of none residence by colour of this prouiso. [See the statutes made 21. Henry. 8. cap. 16. and 28. H. 8. capit. 13. and 33. H. 8. ca. 28. in Residence 3. 4. and 5. who els may haue dispensacion and be non resident.]

¶ An acte that al termers, may enioy their leasses against recoueries had by fayned titles, and falsifie the same recoueries. 21. H. 8 Cap. 15. Recoueries. 2.

WHere afore this time diuers persõs haue made leasses of their manors, landes, tenementes, and other hereditaments, sometime by their indentures, and somtime without writings to other persons for terme of yeares, taking of thẽ great fines for ẏ incũmes of the same leasses, and after ẏ same leassours, their heirs or assignes haue caused and suffred recoueries to be had against them in the courte of our soueraigne lorde the king, and in other lordes courtes, vppon feined and vntrue titles, by crafte & couine, to put the saide termers frõ their said termes. And after suche recoueries had, the same recouerers, by reason of suche recoueries and iudgementes, haue entred into the same manours, landes, tenementes, & other hereditaments, so to ferme letten, and therof haue expulsed the saide fermers, contrary to their said leasses, couenaunts & agreements. And because it was doubted to some persõs whether the said termers might falsifie such recoueries or not.

¶ Be it therfore enacted by the king our soueraign lord, by the assent of the lordes spiritual & temporal, & the cõmons in this present parliament assembled, & by the auctoritie of the same, that al such termers shall &

may kallifie for his terme onely, ſuche recoueries, as well here tofore had, as hereafter to be had, in ſuche wiſe & fourme as a tenant of a free holde, ſhal and may do by the courſe of the cõmon law, where ſuch tenant of free holde was neither prime nor party to ỹ ſame recouery. And that the ſame termers, their executours and aſſignes, notwithſtandyng ſuche recoueries ſo had, ſhall reteine, holde, and eiop their ſaid termes accordyng to their ſaid leaſſes againſt all ſuch recoueroꝛs, their heires and aſſignes. And that the ſaid recouerours their heires and aſſignes, after ſuch recouery ſo had, ſhall haue like remedy againſt the ſaide termers, their executours and aſſignes, by auowꝛye oꝛ action of dett for the rentes and ſeruyces reſerued vpon the ſame leaſſes, beinge due after the ſame recoueries, and alſo like actiõs againſt them for waſt done, after the ſame recouryes ſo had, in lyke manner and fourme as the ſaide leſſours ſhould oꝛ might haue had, if the ſame recoueries had neuer be had. And alſo be it further enacted by the aucthoꝛitye afoꝛeſaide, that no manner of ſtatute of the ſtaple, ſtatute merchant, noꝛ execution by elegit, be hereafter auoyded, oꝛ in any wyſe made fruſtrate, by meanes of any ſuch feyned recouery, but that all perſons hauing anye landes, tenementes oꝛ other hereditamentes in execution, oꝛ beinge intituled to haue execution of any mannours, landes oꝛ tenementes, by any ſuche meanes, ſhal haue

by

by force of this estatute lyke remedye to auoyde and falsifie the same recoueries, as be fore is ordeined & prouided for the leastee for terme of yeres.

Auowrye.

¶An acte concerning Auowries. Anno. 21. H.8. Cap. 19. Auowrie. 1.

WHereas well the noble men of this realme, as diuers other persons, by fines, recoueries, graūtes, and secret feoffements and leases, made by their tenants to persons vnknowen, of the lands & tenements holden of them, haue ben put frō the knowledge of their tenāts, vpon whom they should by order of the lawe make their auowries, for their rentes, customes, & seruices, to their great losses & hinderances.

¶Be it therefore enacted, established, & ordeined, by authoritie of this present parliament, that where so euer anye manours, landes, tenements, and other hereditaments be holden by any maner person or persones, by rentes, customes or seruices, that if the lorde, of whom anye suche mannour, lands, tenementes, or hereditamentes be so holden distreyne vppon the same mannours, landes or tenementes, for any such rents, customes or seruices, & replevin therof be sued, that the lorde, of whō the same landes, tenementes,

or hereditaments be so holden, may auow, or his bailliff or seruant make conisance, or iustifie for taking of the saide distresses, vpon the same landes, tenemēts, or hereditamēts, so holden, as in landes or tenements within his fee or seignorie, alleging in ỹ saide auowrie, conisance and iustification, the same manours, landes and tenements to be holden of him without naming of any person certaine to be tenaunt of the same, and without making any auowrie, iustification or conisance vpon any person certaine. And likewise the lorde, bayly or seruaunt, to make auowrie, iustification or conisaunce, in like maner and fourme vpon euerye writ sued of seconde deliueraunce.

¶ And also be it enacted by the saide authoritie, that euery auowāt and euery other person and persons, that make anye suche auowrie, iustification or conisaunce, as bayly, or seruant to any person or persons, in anye replegiare, or seconde deliueraunce, for rents customes, seruices, or for damage fesant, or other rent or rents, vpon any distresse taken in any landes or tenementes: if the same auowrie, conisaunce, or iustification, be found for them, or the plaintifes in the same, be nonsuite, or otherwise barred, that then they shall recouer their damages & costes against the saide plaintifes, as the same plaintifes should haue done or had, if they had recouered in the replegiare, or second deliuerāce found against the saide defendants. ¶ Se be-

fore

fore. Anno. 7. H. 8. cap. 4. Recouerie 1.

¶ And be it also ordeyned, that the sayde plaintifes and defendants in the said writts of replegiare, or writs of seconde delyuerāce and in euery of them, shall haue like plees, & like ayde and prayers in all suche auowries, conisances, & iustifications, plees of disclaim onely excepte, as they might haue had before the making of this act, & as though ỹ said auowry, conisāce, or iustificatiō had ben made after the due order of the comon lawe.

¶ And it is further enacted by ỹ saide auctho̅itie, that all such persons as by the order of the common lawe may lawfullye ioine to the plaintifs or defendants in the said writs of replegiare or second deliuerance, as well bout processe as by processe, shal frō henceforth ioine vnto the said plaintifes or defendants, as wel bout processe as by processe, & to haue like plees & like auātages in al thīgs (disclaim onely except) as they might haue done by the order of the comon lawe, before the making of this act.

Attaint.

¶ An acte concerning periurie and punishment of vntrue verdictes. 23. H. 8. ca. 3. Attaint. 15.

The king our soueraigne lord, of his most godly and gratious disposicion calling to his remēbrāce, how that periury in this

lande is in manifolde cauſes, by vnreaſonable meanes, deteſtably vſed, to the diſheritance and great damage of manye and great nombre of his ſubiects, well diſpoſed, and to the moſt high diſpleſure of almighty God. The good ſtatutes againſt all officers haunge retourne of writtes and their deputies making panels partially for rewardes to them geeuen, againſt vnlawfull mainteinours, embraſours, and Jurours, and againſt iurours vntruely geeuyng their verdict, notwithſtandyng. For reformacion whereof, and for as much as the late noble king Henrye the ſeuenth, prouided remedye for the ſame by a ſtatute made in the leuenth yere of hys reigne. [cap. 24.] Whych ſtatute is now expired. Bee it therefore nowe enacted by the kynge oure ſoueraigne lord and the lordes ſpirituall and temporall, and the commons in thys preſent parlyament aſſembled, and by aucthoritye of the ſame, that vppon euerye vntrue verdycte hereafter geeuen betwixt partie and partie, in anye ſuite, playnte or demaunde, before anye Juſtices or Judges of recorde, where the thynge in demaunde and verdicte thereupon geeuen, extendeth to the value of fortye pounde, and concerneth not the ieoperdy of mans life, the partye greeued by the ſame verdicte, ſhall haue a writte of attaynt agaynſt euerye perſonne hereafter ſo geeuyng an vntrue verdicte and euerye of them, and

agaynſt

againſt the partye, whiche ſhall haue iudge-
ment vppon the ſame verdicte. And that in
the ſame attaynt, there ſhalbee awarded a-
gaynſt the petite Iurye, the partye, and
the graunde Iurye, Somons, Reſom, and
diſtreſſe infinite, whiche graunde iurye ſhal
bee of lyke nombre as the graunde iurye is
nowe in attaynt, and euerye of them, that
ſhall paſſe in the ſame, ſhall haue landes
& tenements to the value of twenty markes
by the yeare, of freeholde, oute of the aunci-
ent demeane. And vpon the diſtreſſe which
ſhall bee deliuered of recorde, vpon the ſame
open proclamacyon to bee made in ỹ court
where the diſtreſſe ſhall bee awarded more
then fifteene dayes afore the retourne of
the ſame diſtreſſe, and euerye ſuch diſtreſſe
ſhall bee made vppon the lande of euerye of
the ſaide graunde iurye, as in other diſtreſ-
ſes is and hath been vſed. And if the ſayde
partie defendant, or the petite iurours, or
anye of them appere not vppon the diſtreſſe,
then the graunde iury to bee taken agaynſt
them and euerye of them that ſhall ſo make
defaute. And if anye of the ſayde petite iu-
rye appere, then the partye complaynant in
that behalfe, ſhal aſſygne the falſe ſerement
of the firſt verdicte vntruely geeuen, wher-
vnto they of the petite iurye ſhall haue none
aunſwer (if they bee the ſame perſonnes,
and the writte, proces, retorne and aſſigne-
mente good and lawefull, except that the
demaundaunt or pleyntyfe in the ſame

Attaint hath afore ben nonsuite, or discontined his suite of attaint taken for the same, or hath for ỹ same verdict in a writ of attaint had iudgementt against the saide petit iurie) but onely ỹ they made true serement, which issue shall be tried by.xxiij. of the said graūd iurie, & the party shal pleade, that they gaue true verdict, or anye other matter, whiche shall be a sufficient barre of the saide attaint And that plee notwithstanding the graunde iurie to be taken without delay, to enquire whether the first iurie gaue true verdicte or no. And if they finde that the saide petit iury gaue an vntrue verdict, then euery of the saide petite iurie to forfait.xx.li. whereof the one halfe shall be to the king our soueraigne lorde, and the other hall to the party that sueth. And ouer that, that euery of the said petite iurie shall seuerally make fine & raūsom by the discretiō of the Justices, before whō the saide false serement shall be founde after their seueral offences defautes and sufficyency of euery of the saide petite iurie. And after that, that those of the said petite iurye so attainted shall neuer after bee in any credence, nor their othe accepted in anye courte. And if such plee as the party pleadeth, which is a barre of the said attaint, bee founde, or deemed against him that so pleadeth, then the party that so sueth shall haue iudgement to be restored to that he lost with his reasonable costes and damages.

¶ Foreseene alwaye that any vtlarye in action or

action or cause personal, or excommengemēt pleaded or alleged in the partie plaintife or demandant shalbe taken but as voide plee, & to that he shal not bee put to aunswer. And that in all the aforesaide processe suche daye shalbe geuen as in a writ of Dower, & none essoine or protection to lie nor to be allowed in the same. And if the said graund iurie appere not vpon the first distresse had agaynst them, so that the iurie for their defaut do remaine, he that maketh defaute shall forfayt to the king twenty shillinges, and vpon the second distresse forty shillings and after making defaut, for euery such defayte fiue pound And like penalties and forfaitures to bee agamst them and euerye of them that shalbee named in the Tales, as is afore expressed against euery of the saide graunde iurie afore saide. And that for and by the deathe of the partye or any of the saide petit iurie, the said attaint shal not abate, nor be deferred against the remenant, as long as two of the said petite iury be aliue.

And if hereafter any false verdict be geuē in any action, suite or demaunde, afore anye Justice or iudge of record, of any thing personall, as debt, trespas and other like, which shalbe vnder the value of forty pounde, that then the party greued shall haue attaint, & suche proces and plees as is afore rehersed, and delaies to be taken away as is afore remembred: except that in this case of attaynt euery person of the graunde iury that maye

dispende

dispend.v.markes by the yere of freholdout of auncient demesne, or is worth an hundred marke of goods and cattalles, shalbe able to passe in the same attaint. And if the petit iury be attainted, that then they shall in thys case of attaynt euery of them to forfait.v.li. wherof one half shal bee to the king, and the other halfe to the party, after the fourme afore rehersed, & ouer that to make fine & raũsome by the discrecion of the Justices, as is aforesaid. ¶ And if there bee not personnes of suche sufficiencie within the shire or place where any of the saide attaints shalbe taken as may passe in the same: be it ordeined by ẏ auctoritie abouesaid, that then one Tales shalbe awarded into the shire next adioining by the discrecion of the Justices, afore whõ the same attaints shalbe taken, whiche shalbe warned to appere vpon like paines as is aforesaid, and enabled to passe in the said attaints, as if they were dwelling in the shire, where the same attaint shalbee taken. And that the same lawes, action and remedy ordeined by this present act, be kept for and to all them that shalbe greeued by suche vntrue verdicts of any inheritance, in discent, reuersion, remaindre, or of any freholde in reuersion or remaindre. And if the party in attaynt geuen by this act be nõsuit, or ẏ same discõtinue, that then the same party so nonsuit, or so discõtinuing the said attaint, make fine & raũsom by ẏ discreciõ of ẏ iustices afore whõ the said attaint shalbe taken & depending.

¶ And

¶ And that all attaintes hereafter to bee taken, shalbe taken afore ỹ king in his bēche or afore the iustices of the commō place and in none other courtes. And that Nisi prius shalbe graunted by discrecion of the iustices vpon the distresse. And euery of the said petit iurie may appere & answer by attorney in the said attaint. And that the moitie of ỹ said forfaiture of the petit iurie shalbee leuied to thuse of our soueraigne lorde by Capias ad satisfaciend, or Fieri fac, or Elegit, or by action of debt against euery person of the petit iurie so forfaitting, and against his executors and administratours, hauing then sufficient goods of their said testatour not administred and the other moitie shal by like processe be leuied to the vse of the partie that sueth any attaint geuen by this acte, against euerye of the saide petite iurie and his executours or administratours, hauing then sufficiency of goods as is aforesaide not administred: and the iudgement of restitucion to the partye greeued suing this acte and execucion of the same to be had, and like iudgement for the partie defendant or tenant to bee discharged of restitucion as afore this present act in case of a grand attaint hath ben vsed. And if ther bee dyuers pleyntyfes or demaundauntes in attaynt, that the nonsuite or releasse of anye of them shall not bee in any wyse hurtfull or preiudiciall to the residue, but that they & euery of them in such cases may

bee

be some and severed like as it is used when there be diuers demandants in actions real.

¶ Wee it also ordeined and enacted by the aucthoritie abouesaide, that in euery writ of attaint hereafter to be taken by or vpon this act, the which shalbe such as other writs of attaint bee, and after the Teste of the same writ, shalbe written these woordes in latin: Per statut. continuat. vsque annum vicesimum tertium domini Henrici octaui dei gratia Angliæ & Franc. regis, fidei defens. & domini Hiberñ.

¶ And it is also enacted, that this act shal take effect for verdictes hereafter to bee giuen and to cõtinue to the last day of the next parliament.

¶ Prouided alway, that this acte bee not preiudiciall to a statute made in the xi. yeare of the late king of famous memory Henry vij. for punishment of periury in vntrue verdictes geeuen in plaintes sued in the courtes of the citie of London, but that it shal bee in the liberty of all persons for and vpon any vntrue verdict geuen in any courtes of the same citie, to sue their attaint vpon this statute, or els vpon the saide estatute made in the saide. xi. yere at their owne pleasures and willes. | See Anno. 11. H. 7. ca. 21. Attaint ¶ For attaints in London. Note that this statut is made perpetuall. Anno. 13. Eliza. cap. 25.

¶ A

¶An acte expressiug an order for vses and willes 27.H.8.Cap.10. Vses.9.

WHereby the common lawes of thys realme, landes, tenements and hereditaments, be not diuisible by testament, nor ought to be transferred, frō one to an other, but by solemne liuery and season matter of recorde, writing sufficient, made bona fide without couine or fraude, yet neuerthelesse, diuers and sundrie ymaginacyons, subtile inuencions and practises haue ben vsed: wherby the hereditaments of this realme haue ben conueied frō one to an other by fraudulent feoffements, fines, recoueries and other assurances craftily made, to secret vses, intents and trustes, and also by willes and testaments, sometime made by nude paroll and woordes, sometime by signes & tokens, and sometime by writing, and for the most part made by suche persons as be visited with sicknes in their extreame agonyes and paines, or at such time as they haue had scantly any good memory or remembrance: at which times they being prouoked by gredye and couetous persons, lying in a wayte about thē, do many time dispose indiscretely and vnaduisedly their landes and inheritances, by reason wherof & by occasiō of which fraudulent feoffementes, fines, recoueries, & other like assurances to vses, confidences & trustes, diuers and manye heires haue bene iniustly

Hec distinctio pur Rout p Rest. estatute - 20 Ch: 362

iniuſtly at ſundry times diſherited. the lords haue loſt their wardes, mariages, reliefes, harriots, eſchetes, aides pur faire fitz chinaler. & pur file marier, and ſcantly any perſon can be certainly aſſured of any landes by the purchaſed, nor knowen ſurelye againſt who they ſhall vſe their actions or execucion for their rightes, titles and dueties. Alſo men maried haue loſt their tenants by the curteſie, women their dowers, manifeſt parauries, by trial of ſuche ſecret willes and vſes, haue ben committed. The kinges highneſſe hath loſte the profittes and aduauntages of the landes of perſonnes attaynted, and the landes craftely put in feoffement to the vſes of alyens borne, and alſo the profitts of wafte for a yeare and a daye, of landes of felons attaynted, & the lordes their eſchetes thereof, and manye other inconueniences haue happened and daily do encreaſe among the kinges ſubiectes, to their great trouble and inquietnes. and to the vtter ſubuerſion of the auncient cõmon lawes of this realme. For the extirping and extinguiſhment of all ſuche ſubtill practiſed feoffementes, fynes, recouerpes, abuſes, and errours, hereto-fore vſed and accuſtomed in this realme, to the ſubuerſpon of the good and auncyent lawes of the ſame. and to thyntent that the kinges highneſſe, or anye other his ſubiectes of this realme ſhall not in anye wyſe hereafter by anye meanes, or inuencions, be deceiued, domaged or hurted, by reaſon of

ſuche

ſuche truſtes, vſes or confidences, it maye pleaſe the kinges moſte royall maieſty, that it may be enacted by his highnes, by thaſſent of the lordes ſpirituall and temporall, & the commons in this preſent parliament aſſembled, and by auctoritie of the ſame, in manner and fourme folowing: that is to ſay, that where any perſone or perſons ſtande or be ſeaſed, or at any time hereafter ſhall happen to be ſeaſed, of & in any honours, caſtels, manours, landes, tenementes, rentes, ſeruices, reuerſions, remainders or other hereditamentes, to the vſe, confidence or truſt of anye other perſon or perſones, or of anye body politique, by reaſon of anye bargayne, ſale, feoffement, fine, recouerye, couenaunt, contract, agreement, will or otherwyſe, by any manner meanes whatſoeuer it bee, that in euerye ſuche caſe, all and euery ſuch perſonne and perſonnes, and bodies polityque, that haue or hereafter ſhall haue anye ſuche vſe, confidence or truſt, in fee ſimple, fee tail or terme of lyfe or of yeares, or otherwiſe or any vſe, confidence or truſt in remainder or reuerter, ſhall from henceforth ſtand and be ſeaſed, deemed, and adiudged in lawfull ſeaſon eſtate and poſſeſſion, of and in ȳ ſame honours, caſtels, manours, landes, tenementes, rents, ſeruices, reuerſions, remainders, and hereditaments, with their appurtenaunces to all intentes conſtructions and purpoſes in the lawe, of and in ſuche like eſtates, as theye had or ſhall haue in vſe,

in vse, trust or cõfidẽce, of or in ỹ same. And that the estate, title, right and possession that was in such person or persons, that were, or hereafter shalbe seased, of any landes, tenementes or hereditamentes, to the vse, confydence or truste of any suche persone or persons, or of any body politike, be from henceforth clerely deemed & adiudged, to be in him or thẽ that haue or hereafter shal haue suche vse, confidence or truste, after suche quality, maner fourme and condicion, as they had before, in or to the vse, confidence or trust, that was in them.

¶ And be it further enacted by the auctoritie aforesaide, that where diuers & many persons, bee or hereafter shall happen to be iointly seased, of and in any lands, tenemẽts rents, reuercions, remainders or other hereditaments, to the vse, confidence or trust of any of them, that be so iointly seased, that in euery such case, that those person or persons, whiche haue or hereafter shal haue, any such vses, confidence or trust, in any such lands, tehementes, rentes, reuersions, remainders or heredytamentes, shall from henceforthe, haue and bee deemed and adiudged to haue, onely to him or them, that haue or hereafter shall haue suche vse, confidence or trust, such estate, possession and seasen, of and in ỹ same landes, tenementes, rentes, reuersion, remaynders, or other hereditamentes in lyke nature, manner, fourme, condicion and course, as he or they had before in the vse, confidence

confidence or truſt of the ſame landes, tenementes, or hereditaments. Sauing, and reſeruing to all and ſinguler perſones and bodies politike, their heires and ſucceſſours, other then thoſe perſon or perſones, which be ſealed or hereafter ſhalbe ſealed of any lands tenementes or hereditaments to any vſe, cõfidence or truſt: al ſuch right, title, entrie, intereſt, poſſeſſion, rents and accion, as they or any of them had or might haue had before the making of this acte.

¶ And alſo ſauing to all and ſinguler thoſe perſons, and to their heires, which be or hereafter ſhalbe ſealed, to any vſe, al ſuch former right, title, entrie, intereſt, poſſeſſions, rents, cuſtomes, ſeruices, and accion as they or any of them might haue had to his or their owne proper vſe, in or to any, manours, landes, tenementes, rentes, or hereditaments, wherof they be or hereafter ſhalbe ſealed to any other vſe, as if this preſent acte had neuer ben had nor made: any thinge contained in this acte to the contrary notwithſtanding.

¶ And where alſo diuers perſones ſtande and be ſealed of, and in any landes, tenementes, or hereditamentes, in fee ſimple, or other wiſe to the vſe or intent that ſome other perſon or perſons, ſhal haue and perceiue yerely to them and to his or their heires one annual rent, of tenne pounds or more or leſſe out of the ſame landes and tenementes, and ſome other perſon one other annuall rent to him, & his aſſignes for terme of life, or yeres, or for

ſome other ſpeciall time, accoꝛding to ſuch intent and vſe, as hath bene heretofoꝛe declared limited and made therof. Be it therfoꝛe enacted by the auctholity afoꝛeſaid that in euery ſuche caſe, the ſame perſones theire heires and aſſignes, that haue ſuch vſe and intereſt, to haue and perceiue any ſuch annuall rentes out of any landes, tenementes, oꝛ hereditamentes, that they and enery of them their heires and aſſignes, bee adiudged and deemed to be in poſſeſſion and ſeiſon of the ſame rent, of and in ſuch like eſtate, as they had in the title intereſt oꝛ vſe of the ſayde rent oꝛ pꝛofite, and as if a ſufficient graunt oꝛ other lawfull conueiance had be made and executed, to them, by ſuche as were oꝛ ſhal be ſeaſed to the vſe oꝛ intente of any ſuche rente to be had made oꝛ payde, accoꝛdyng to the verye truſte and intent therof. And that all and euery ſuch perſon and perſones, as haue oꝛ hereafter ſhal haue, any title, vſe & intereſt, in oꝛ to eny ſuch rent oꝛ pꝛofite, ſhall lawfully diſtreine foꝛ none paiment of the ſaid rent, and in their owne names make adiowries, oꝛ by their Bailifes oꝛ ſeruents make cogniſences & iuſtifications, & haue al other ſuits entries, & remedies, foꝛ ſuch rẽts as if the ſame rents had be actually & really graunted to them, with ſufficient clauſes of diſtreis recẽtry oꝛ otherwiſe, accoꝛding to ſuch condicions paines oꝛ other thinges limited & appointed vpon the truſt & intent foꝛ payment of ſuerty of ſuch rent.

¶ And

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¶ And be it further enacted by the auctho-
ritie aforesaide, that where as diuers persōs
haue purchaced or haue estate made and con=
ueied of and in diuers landes tenementes &
hereditamentes vnto thē and to their wifes
and to the heires of the husbande, or to the
husband and to the wife, and to the heires of
their two bodies begotten, or to the heires of
one of their bodies begotten, or to the hus=
band and to the wife for terme of their liues
or for terme of life of the said wife. Or wher
any such estate, or purchace of any landes,
tenements, hereditaments, hath bene or here
after shalbe made to any husband and to his
wife, in maner and fourme aboue expressed,
or to any other parson or persones, & to their
heires and assignes, to the vse and behoufe of
the saide husband and wife, or to the vse of
the wife, as is before rehersed, for the ioin=
ter of the wife: that then in euery suche case,
euery woman maried, hauing suche iointer
made or hereafter to be made, shal not claime
nor haue title to haue any dower of the resy=
due of the lands, tenements or hereditamēts
that at any time were her saide husbands by
whom she hath any such iointer, nor shal de=
maunde nor claime her dower of and against
them that haue the landes and inheritaun=
ces of her saide husbande. But if she haue
no suche iointer, then she shal bee admitted
and inhabled to pursue, haue and demaunde
her dower by writte of dower, after the
dewe course and order of the common lawes

of this Realme: this acte or any lawe or pro uiſion made to the contrary therof notwithſtanding.

¶ Prouided alway, that if any ſuch woman be lawfully expulſed or euicted from her ſaide ioynter, or from any parte therof, without any fraude or couine, by lawfull entre accion or by diſcontinuance of her huſbande then euery ſuch woman ſhal bee endowed of as much of the reſidue of her huſbandes tenementes, or hereditamentes, whereof ſhe was before dowable, as the ſame lands and tenementes, ſo euicted and expulſed, ſhall amount or extende vnto.

¶ Prouided alſo, that this acte nor anye thing therein contained or expreſſed, extende or be in any wiſe hurtfull or preiudicial to anye woman or women, heretofore being maried, of for or concerning ſuch right title or intereſt or poſſeſſion, as they or any of them haue claime or pretende to haue for her or their ioynter or dower, of in or to anye manours, landes, tenementes, or other hereditamentes of any of their late huſbandes, being now deade or deceaſed, any thing contained in this acte to the contrary notwithſtanding.

¶ Prouided alſo, that if any wife haue or hereafter ſhal haue any manours, landes, tenementes, or hereditaments, vnto her geuen or aſſuered after mariage, for terme of her life, or otherwiſe in ioynter, excepte the ſame aſſurance be to her made by acte of parliament,

ment, and the saide wife after that fortune to ouer liue the same her husbande, in whose time the saide iointer was made or assured vnto her, that then the same wife, so ouer lyuing, shal and maye at her libertie, after the death of her saide husband, refuse to haue & take the landes, and tenementes, so to her geuen appointed or assured, duringe the couerture, for terme of her life or otherwise in iointer: except the same assurance bee to her made by acte of parliament, as is afore sayd, and therupon to haue aske, demaunde and take her dower, by writ of dower, or otherwise, according to the common lawe, of and in all such landes, tenementes, and hereditamentes, as her husbande was and stode seased of any state of inheritaunce, at any tyme during the couerture, anye thinge contayned in this acte to the contrary in any wyse not withstanding.

¶ Prouided also that this present act nor any thing therin contained, extende, nor be at anye time hereafter interpreted, expounded or taken, to extincte, release, discharge or suspende, any statute recognisance, or other bōd by the execucion of anye estate, of or in anye landes, tenementes, or hereditamentes, by thaucthorie of this acte, to any person or persones or bodies politike, any thinge contained in this acte to the contrary therof not withstanding.

¶ And for asmuch as great ambiguities & doubtes may arise of the validity & inualidity

of ſwilles heretofore made of any landes, tenementes, and hereditamentes, to the greate trouble of the kinges ſubiectes, the kinges moſt roiall maieſtie minding the tranquillity and reſt of his louing ſubiectes, of his moſte excellent and accuſtomed goodnes is pleaſed and contented, that it be enacted by thauctoritie of this preſent parliament, that all maner true and iuſt ſwilles and teſtamentes, heretofore made, by any perſon or perſones, deceaſed, or that ſhall deceaſe, before the firſte day of May, that ſhall be in the yere of our lord god M.v.C.xxxvi. of any landes, tenementes, or other hereditamentes, ſhalbe taken and accepted good and effectuall in the lawe, after ſuche faſhion maner and forme, as they were cõmonly taken & vſed. at anye time ſithin forty peres next afore the makinge of this act, any thing contained in this act, or in the preamble therof, or anye oppinion of the common lawe to the contrarie thereof notwithſtanding.

¶ Prouided alwaies, that the kings highnes, ſhal not haue, demaunde, or take, any aduauntage or profite, for or by occaſion of the executinge of anye eſtate onely by auctoritie of this acte, to anye perſone or perſones, or bodies polytike, whiche now haue, or on this ſide the ſaide firſte daye of May, whiche ſhall bee in the yere of our Lorde god. M.v.C. xxxvi. ſhall haue, anye vſe or vſes, truſtes, or confidences, in anye manours, landes, tenementes, or hereditamentes

mentes, holden of the kinges highnes, by reason of primer season, liuerye, ouster le maine, fine for alienacion, reliefe, or harriote but that fines for alienacions, reliefes, and harriottes, shal be paide to the kinges highnes. And also liueries and ouster le mains shal be sued for vses, trustes, and confidences to bee made and executed in possession, by aucthoritye of thys acte, after and from the sayde firste daye of Maye, of landes, and tenementes, and other hereditaments holden of the kinge in suche lyke maner & fourme, to all intentes constructions and purposes as hath heretofore bene vsed or accustomed by ye order of ye laws of this realm

¶ Prouided also, that no other persone or persons or bodies politike, of whom any landes, tenements, or hereditaments be or here after shal bee holden, mediate or immediate, shal in any wise demaunde or take, any fine relief or hariot, for or by occasion of the executing of any estate by ye aucthority of this act to any person or persons or bodies politike, before ye said first day of May, which shal be in the yere of our lord god. 1536.

¶ And be it enacted by aucthority aforesaid that all and singuler person and persons, and bodies politike, which at anye time on thys side the said first day of May which shalbe in the yere of our lord god 1536. shall haue anye estate vnto them executed, of and in anye landes, tenementes, or hereditamentes, by the aucthoritie of this acte, shall

and may haue and take the ſame or like aduauntage, benefite, voucher ayde, prayer, remedy, commoditie and profite, by accion, entrie, condicion or otherwiſe, to al intents cõſtruccions and purpoſes, as the perſonne or perſones ſeiſed to their vſe, of or in any ſuch landes, tenementes, or hereditamentes, ſo executed, had ſhould might or ought to haue had, at the time of the execucion of the eſtate therof, by the aucthoritie of this act, againſt any other perſone or perſones, of or for anye waſte, diſſeiſon, treſpas, condicion broken, or any other offence cauſe or thing concerning or touching the ſaide lands or tenemẽts ſo executed by the aucthoritie of this acte.

¶ Prouided alſo, and be it enacted by the aucthoritie aforeſaide, that accions nowe depending againſt any perſon or perſones, ſeaſed of or in any landes tenements, or hereditamentes, to any vſe truſt or confidence, ſhal not abate ne be diſcharged for or by reaſon of executing of any eſtate therof by aucthoritie of this acte, before the ſaid firſt day of May which ſhalbe in the yere of our Lorde god. 1536 any thing contained in this acte to the contrary notwithſtanding.

¶ Prouided alſo, that this acte nor anye thinge therin contained, ſhal not be preiudiciall to the kinges highnes, for wardſhippes of heires now being within age, nor for lineries or for ouſtre le maines, to be ſued by anye perſone or perſones, now beinge within age, or of full age, of any landes or tenemẽts

vnto

vnto the ſame heire or heires now alreadye diſcended, any thinge in this acte contayned to the contrary notwithſtanding.

¶ Prouided alſo, and be it enacted by the aucthoritie aforeſaide, that all and ſinguler recognisances heretofore knowledged taken or made, to the kinges vſe, for or concerning any recoueries of any landes, tenementes or hereditamentes heretofore vſed or had, by writ or writtes of entre vpon diſſeiſon in le poſt, ſhal from hence forth be vtterly voyde and of none effecte to all intentes conſtructions, and purpoſes.

¶ Prouided alſo that this acte, nor anye thinge therin contained, be in anye wiſe preiudicial or hurtful to any perſon or perſones borne in Wales, or the marches of the ſame which ſhal haue any eſtate to them executed by aucthoritie of this acte, in any landes, tenementes, or other hereditamentes, within this Realme, whereof any other perſon or perſones now ſtand or be ſeaſed, to the vſe of any ſuch perſon or perſons borne in Wales or the marches of the ſame: but that the ſame perſon or perſons borne in Wales or the marches of the ſame, ſhal or may lawfully haue retaine and kepe the ſame landes, tenements or other hereditamentes, whereof eſtate ſhal be ſo vnto them executed by the aucthoritye of this act, according to the tenour of ȳ ſame any thing in this acte contained, or any other acte or prouiſion heretofore had or made to the contrary notwithſtanding.

Inrolmentes.

¶An acte concerning Inrollementes of bargaines and contractes of lands and tenementes.an.27.H.8. Cap.16.

¶Inrollementes.2

BE it enacted by the aucthoritye of this present parliament, that frō the last day of July, whiche shalbe in the yere of our Lorde god 1536. no manours, landes, tenementes or other hereditamentes, shall passe alter or chaunge, from one to another, wherby any state of inheritaunce or freeholde, shalbe made or take effecte, in anye person or persons, or any vse thereof to be made, by reason onely of anye bargayne and sale thereof, excepte the same bargayne and sale be made, by writing indented, sealed, and inrolled in one of the kinges courts of recorde at Westminster, or els within the same countie or counties wher the same manours, landes, or tenementes, so bargained and solde lye or be, before the Custos Rotulorum, and two Justices of the peace and the clerke of the peace of the same countye or counties, or two of them at the least, whereof the clerke of the peace to bee one: and the same enrollement to be had and made within six monethes nexte after the date of the same writinges indented, the same custos Rotulorum, or Justices of the peace, and clerke

clerke, takinge for the enrolment of euery suche writinge indented before them, where the lande compriſed in the ſame writinge exceede not the yerely value of forty ſ two ſhillinges, that is to ſay, xij ſ. to the Juſtices, and xij.ſ, to the clerke, and for the inrollement of euery ſuche writing indented before them, wherein the lande compriſed exceede the ſumme of xl.ſ. yerelye value v.ſ. that is to ſay, ij.ſ.vi.ſ. to the ſaide Juſtices and ij.ſ.vi.ſ. to the ſaid clerke for the enrolinge of the ſame. And that the clerke of the peace for the time being, within euery ſuche county, ſhall ſufficientlye enroll and engroſſe in parchement the ſame deedes or writinges indented, as is aforeſaide, and the rols therof at the end of euery yere ſhal deliuer vnto the Cuſtos Rotulorum of the ſame countie for the time beinge, thereto remaine in the cuſtodye of the ſaide cuſtos Rotulorum for the time being, amongeſt other recordes of euery of the ſame counties, where any ſuche enrolmentes ſhalbee ſo made, to the intente that euery partye that hath to doe therwith may reſorte and ſe the effect & tenour of euery ſuch writing ſo enrolled.

Prouided alwaies, that this acte nor any thing therin contained, extend to any maner landes, tenementes, or hereditamentes, lying or being within any Citye, borroughe, or towne corporate within this Realme, wherein the Maiors, recorders, chamberlains, bailifs, or other officer or officers haue

aucthoritie or haue lawfully vsed, to enrolle-
nye euidences deedes or other writinges
within their precincte or limittes, any thing
in this acte contained to the contrarye not-
withstanding | She after a statute made
34. H. 8. ca. 22. touchinge deedes enrolled in
such Cities &c.]

¶Partition.

¶An acte concerning iointenaunts and
tenants in common. an. 38. H. 8.
Cap. I. Partition. 3.

FOr as much as by the common
lawes of this Realme, diuers
of the kinges subiectes, beyng
seised of manours landes, tene-
mentes and hereditaments, as
iointenantes, or as tenaunts in
common, with other of any estate of inheri-
taunce, in their owne rightes, or in the right
of their wiues, by purchace discent or other
wise, and euery of them so being iointenants
or tenantes in common, haue like right title
interest and possession in the same manours,
landes, tenementes, and hereditaments for
their partes or porcions iointly or in com-
mon vndeuidedly together with other, and
none of them by the law doth or may knowe
their seuerall partes or porcions in the same
or that that is his or theirs by it selfe vnde-

uided

uided: and can not by the lawes of this realme otherwise occupie or take the profites of the same, or make any seuerance, deuision, or partition thereof, without other of theire mutuall assentes and consentes, by reason wherof diuers and many of them, beinge so iointlye and vndeuidedly seised of the sayde manours, landes, tenementes and heredetamentes, oftentimes of their peruers coueitous and malicious mindes and willes, against al right, iustice, equitie, and good conscience, by strength and power, haue not onely cut and fallen downe al the woodes and trees growing vpon the same, but also haue extirped subuerted pulled downe, and distroied al the houses, edifications, and buildings, meadowes, pastures, commons & the whole commodities of the same, and haue taken and conuerted them to their owne vses, and behoues, to the open wronge and disherison, and against the mindes and willes of other, holding the same manours, landes, tenementes, and hereditaments, iointly or in common with them, and they haue bene alwaies without assured remedy for the same Be it therefore enacted by the king our most dread soueraigne lord, and by thassent of the lordes spiritual and temporal, and by the commons in this present parliament assembled, that all iointenantes, and tenauntes in common that nowe be, or hereafter shall be of anie estate or estates, of enheritaunce, in their owne rightes, or in the right of their

wiues

ſwiues, of any manours, landes, tenementes, or hereditamentes, within this Realme of Englande, Wales, or the marches of ỹ ſame ſhall and may be coacted and compelled, by vertue of this preſent acte, to make partition betwene them, of all ſuch manours, landes tenements and hereditamentes, as they now holde, or hereafter ſhal holde, as iointenants or tenauntes in common, by writ De participatione facienda, in that caſe to be deuiſed, in the king our ſoueraigne lordes court of chaunceric, in like maner & fourme as coparceners by the common lawes of this Realme, haue bene and are compelled to do, and the ſame writ to be purſued at the common lawe.

¶ Prouided alway and be it enacted, that euery of the ſaide iointenantes or tenants in common, and their heires, after ſuch partition made ſhall and may haue aide of the other, or of theire heires, to the intent to dereigne the warraunty paramont, and to recouer for the rate, as is vſed betwene coparceners after partition made, by the order of the common lawe, any thing in this act conteined to the contrary notwithſtanding.

See after. a ſtatute made 32. H. 8. ca. 32. touching Partition betwene tenants of particuler eſtates.

¶An acte whereby religious houses dissolued, and their landes are assured to the king. And how leasses and grauntes made of them shal take effect. An. 31. H. 8. ca. 13.

¶Monasteries. 11.

WHere diuers and sundrye abbotes, priours, abbesses, prioresses, and other ecclesiasticall gouernours and gouernesses, of diuers monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, and other religious and ecclesiasticall houses and places, within this our soueraigne lord the kinges Realme of England and Wales, of their owne free and voluntary myndes, good willes and assentes without constrainte coaction or compulsion of any maner of persone or persones, sithen the iiij. daye of Februarye, the xxvij. yere of the raigne of our nowe most dread soueraign Lorde, by the due order and course of the common lawes of this his Realme of Englande, and by their sufficient writynges, of recorde, vnder their couent and common seales, haue seuerallye geuen, graunted, and by the same their writynges, seuerallye confirmed, all theire saide monasteries, abbathyes, priories, nunries, colleges, hospitals, houses of friers. and other religious and ecclesiasticall houses, and places, and all theire sites, circuytes, and precinctes of the same, and all and singuler

singuler their manours, lordshipps, granges, meases, landes, tenementes, medowes, pastures, rentes, reuersions, seruices, woodes, tithes, pensions, porcions, churches, chapels aduowsons, patronages, annuities, rightes, entries, condicions, commons, leets, courts, liberties, priuiledges, and fraunchises, appertaining or in any wise belonging to any such monasterie, abbathie, priory, nunrie, colledge, hospitall house of friers, and other religious and ecclesiastical houses and places or to any of them, by what so euer name or corporacion they or any of them were than named or called, and of what order habyte religion or other kind or quality so euer they or any of them then were reputed knowen or taken. To haue and to holde al the sayde monasteries, abbathies, priories, nūries, colledges, hospitales, houses of friers, and other religious and ecclesiasticall houses and places, sites, circuits, precinctes, manours, landes, tenementes, meadowes, pastures, rents reuersions, seruices, and al other the premisses, to our saide soueraigne lord his heyres and successours for euer, and the same their saide monasteries, abbathies, priories, nunries, colledges, hospitales, houses of friers, and other religious and ecclesiasticall houses and places, sites, circuites, precinctes, manours, lordshippes, graunges, meases, landes, tenementes, medowes, pastures, rentes, reuersions, seruices, and other the premisses, voluntarilye as is aforesaide haue

renounced

renounced, left and forsaken, and euerye of them hath renounced, left and forsaken. Be it therfore enacted by the king our soueraign lorde and the lordes spirituall and temporall, and the commons in this present parliament assembled and by aucthoritie of the same, ỹ the king our soueraigne lorde shal haue, hold possede & enioy to him his heirs & successors for euer, all and singuler such late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers & other religious and ecclesiasticall houses & places, of what kindes, natures, qualities, or diuersities of rules, rules, professions or orders they or any of them were named, knowen or called, which sixty ỹ said fowerth day of Februarie, the xxvij. yere of the reigne of our said soueraigne lorde, haue bene dissolued, suppressed, renounced, relinquished, forfaited, geuen vp, or by any other meane come to his highnesse, and by the same aucthoritye, and in like maner shal haue, holde, possede & enioy all the sites, circuites, precincts, mannors, lordshipps, granges, meases, landes, tenements, medowes, pastures, rentes, reuersions, seruices, woods, tithes, pencions, portions, personages appropried, vicarages churches, chappels, aduowsons, nominacyons, patronages, annuities, rights, interests entries, condicions | &c. 32. H. 8. cap. 34 | commons, leetes, courtes, liberties, priuileges, franchises, and other whatsoeuer hereditamentes, whiche apperteined or belonged, to

the said late monasteries, abbathies, priories nunries, colledges, hospitals, houses of fryers, & other religious or ecclesiastical houses and places, or to any of thē, in as large and ample maner and fourme as the late abbots priours, abbesses, prioresses, and other ecclesiasticall gouernours and gouernesses, of such late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of fryers & other religious & ecclesiasticall houses and places, had helde or occupied, or of right ought to haue had, holden or occupied, in the right of their saide late monasteries, abbathies, priories, nunries, colledges, hospitals houses of friers, or other religious or ecclesiasticall houses or places, at the time of the sayde dissolution, suppression, renouncing, relinquishing, forfaiting, geeuyng vp, or by any other maner of meane comming of the same to the kinges highnes sithen ỹ fowrth day of February aboue specified.

¶ And it is further enacted by the authoritie aboue saide, that not onely all the sayde late monasteries, abbathies, priories, nunries, colledges, hospitalles, houses of friers and other religious and ecclesiasticall houses and places, sites, circuites, precinctes, mannours, lordshippes, graunges, messes, landes, tenementes, medowes, pastures, rentes, reuersions, seruices and all other the premisses, forthwith immediately & presently, but also all other monasteryes, abbathies,

abbathies, priories, nunries, colledges, hospitals, houses of friers & al other religious & ecclesiastical houses & places, which hereafter shall happen to be dissolued, suppressed renounced, relinquished, forfaited, geuen vp, or by any other meane come vnto ỹ kinges highnesse, & also al the sites, circuites, precinctes, manours, lordships, granges, meases, landes, tenements, medowes, pastures, rentes, reuersions, seruices, woods, tythes pencions, portions, personages appropriate vicarages, churches, chappels, aduowsons, nominations, patronages, annuities, rights interests, entrees, condicions, commons, leetes, courtes, liberties, priuileges, fraunchises, & other hereditaments, what soeuer they bee, belonging or apperteininge to the same, or any of them, whansoeuer & as sone as they shalbe dissolued, suppressed, renounced, relinquished, forfaited. geeuen vp, or by any other meane come vnto the kings highnes, shalbe vested. deemed & adiudged by auctoritie of this present parliament, in ỹ very actuall and real season and possession of the king our soueraigne lorde, his heires and successours for euer, in the state & condicion as they nowe bee, & as though al ỹ said late monasteries, abbathies, priories, nũries, colledges, hospitals, houses of friers & al other religious & ecclesiastical houses & places so dissolued, suppressed, renoūced, relinquished forfaited, geuẽ vp, or come to ỹ kings highnes, as is aforsaid, as also ỹ said monasteries

abbathies, priories, nunries, colleges, hospitals, houses of friers and other religious & ecclesiastical houses & places, which hereafter shal happē to be dissolued, suppressed, renounced relinquished, forfaited, geuen vp or come vnto the kinges highnes sites, circuits precinctes, manours, lordships, granges, landes tenements, and other the premisses, what soeuer they bee, & euery of them were in this presēt act specially & particularly rehersed, named & expressed by expresse words names, titles and faculties, and in their natures, kindes & qualities.

¶ And be it also enacted by thauctority aforesaid, that all the said late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers & other religyous & ecclesiastical houses, & places which ben dissolued, suppressed, renounced, relinquished, geuen vp, or come to the kings highnes, by any maner of meanes, as is aforesaide, and al the manors, lordships, granges, landes, tenements, and other the premisses (except suche therof as be comen to the kings hāds by attainder or attainders of treason) and al the said monasteries, abbathies, priories nōries, colledges, hospitals, houses of friers, & other religious and ecclesiastical, houses or places, which hereafter shall happen to be dissolued, suppressed, renoūced, relinquished forfaited, geuen vp, or come vnto the kings highnes, & al the manors, lordships, grāges, landes, tenemēts, medowes, pastures, rents, reuercions,

reuercions, seruices, woods, tithes, porciōs pencions, personages, appropriate vicarages, churches, chapels, aduowsons, nominations, patronages, annuities, rightes, interestes, entries, cōdicions, commons, leetes, courts, liberties, priuileges, francheses & other hereditamēts what soeuer they be, belōging to ye same or to any of thē (except suche therof, which shal happē to come to ye kings highnes by attainder or attainders of treason) shalbe in the order suruey & gouernāce of our said soueraigne lord the kinges court of Augmentations of the reuenues of hys crowne, & of the chauncellour, officers and ministers of the same. And al the fermes, issues, reuenues and profits, comming & growing, of the premisses, & of euery part therof (except before except) shalbe ordered taken and receiued to the kinges vse by the sayde Chauncellour, ministers, and officers of the same courte, in such and like maner & forme as the monasteries, priories, sites, circuites, manours, granges, meases, landes, tenementes, rentes, reuersions, seruyces, tithes, pensions, porcions, aduowsons, patronages rightes entries, condicions, and other hereditamentes late apperteining or belonginge vnto the monasteries, abbathies, priories or other religious houses, late by aucthority of parliament suppressed, | videlicet 27. H. 8. vn pñt, but in Rastals coll' Monasteries. 9 | bene ordered surueied & gouerned. Sauing to all & euery persone and persons & bodies

politike & their heirs & successours, and the heires and successours of al & euery of them other then the said late abbots, priours, abbesses, prioresses, and other ecclesiastical gouernours & gouernesses of the said late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, & other religious & ecclesiasticall houses & places, & their successours, & the successour of euery of them & such as pretend to be founders, patrones or donours of suche monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers and other ecclesiastical houses and places, or of any manours, mesuages, landes tenements, or other hereditaments, belonging to ỹ same or to anye of them, their heires and successours, & ỹ heirs & successours of euery such founder, patrõ, or donour: & the nowe abbots, priours, abbesses, prioresses, & other ecclesiasticall gouernours and gouernesses of such monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, & other religious & ecclesiastical houses and places, which hereafter shall happen to be dissolued, suppressed renounced, relinquished, forfaited, geuen vp or come to the kinges highnesse, & suche as pretend to be founders, patrons or donours of such monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers & other ecclesiasticall houses and places, or of any manours, mesuages, landes, tenements or other hereditamentes to the same belonging

ging, or to any of them, their heires and successours, and the heires and successours of euery of them) all suche right, title, clayme, interest, possession, rents, charges, annuities leases, fermes, offices, fees, liueries, and lyuings, porcions, pencions, corrodies, commons, synodes, proxies and other profyts, whiche they or anye of them haue clayme, ought, may or might haue had in or to the premisses, or to any parte or parcell thereof, in suche lyke manner, fourme and condicion to all intentes, respectes, constructions and purposes, as if this acte had neuer ben had ne made (rents seruices, rēts seck, & al other seruices & suites onely except.)

¶ Prouided alwaies & be it enacted by ye auctoritie abouesaid, that if any late abbot priour, prioresse, abbesse or other ecclesiastical gouernour or gouernesse abouesaid, with in one yere next before the dissolution, suppression, renoūcing, relinquishing, forfaiting geuing vp, or comming to the kings highnes of his late monasterie, abbathie, priorie, nūry, colledge, hospital, house of friers, or other religious or ecclesiastical house or place, hath made any lease or graunt, vnder his couent or common seale, or otherwise for terme of life, or for terme of yeres, of the site, circuit, & procinct, of his said late monasterie, abbathie priorie, nunrie, colledge, hospitall, house of fryers or other religious or ecclesyasticall house or place, or of any part thereof, or of any manours, mesuages, granges, landes,

tenements, personages appropriate, tithes, pencions, porcions, or other hereditamentes whiche belonged or apertained to his saide late monasterie, abbathy, priorie, nunry, college, hospitall, house of friers, or other religious or ecclesiasticall house or place, which manours, mesuages, granges, landes, tenements, personages appropriate, tithes pencions, porcions or other hereditamēts were not before the same lease. commonly vsed to be set nor let to fermˉ, but kept and reserued in the manurance, tillage or occupacion of ỳ said gouernour or gouernesse, for the maintenance of hospitalitie and good house kepping: or within one yere, as is abouesaide, hath made any lease or graunt for terme of life, or for terme of yeares, or of any manors mesuages, landes, tenements, medows, pasturs, woods, parsonages appropriate, tithes pencions, porcions, churches, chappels, or other hereditaments what so euer they be, whereof or in the whiche, any estate or interest for terme of ỳe, yere or yeares, at the time of the making of anye suche graunt or lease, then had his being or continuāce, & the was not determined, finished, or expired: or within the time of one yere, as is abouesaid hath made any lease or graunt for terms of life, or for term of yeres of any manors, mesuages, landes, tenements, medowes, pastures, woods, personages appropriate, tythes, pencions, porcions, churches chapels, or other hereditaments, whatsoeuer they be

vpon

vpon the whiche leases & grauntes, the vsu-
al & olde rents and fermes, accustomed to be
yelden and reserued by the space of .xx. yeres
next before the first day of this present par-
liament. is & bee not thereupon reserued and
holden. Or if any suche gouernour or gouer-
nesse hath made any bargaine or sale, of hys
woods, within one yere, as is afore limitted
whiche woods be yet growing and standing
that then all & euery such lease graunt, bar-
gaine & sale of wood or woods, shall bee vt-
terly void & of none effect.

¶ And it is also enacted by aucthoritie a-
foresaide, that all feoffementes, fines and re-
coueries, had, made, knowleged, or suffered,
by anye gouernour or gouernesse, wythout
the kings licēce, vnder his great seal, with-
in one yere next before the dissolusion, renoū
ynge, relinquishing, forfaiting, geuing vp,
or comming vnto the kings highnesse, of his
said monasterie, abbathie, priory, nunrie, col-
lege, hospitall, house of friers, or other re-
ligious or ecclesiasticall house or place, or a-
ny manours, meases, landes, tenemēts, or
other hereditaments, what so euer they be,
whiche the saide late abbot, priour, abbesse,
prioresse, and other ecclesiastical gouernour,
and gouernesse, or any of thē, or any of their
predecessors had or helde, of the gift, graunt
or confirmacion of our said soueraigne lorde
or any of his highnesse progenitours, or of
the whiche monasteries, abbathies, priories
nunries, colledges, hospitals, houses of
friers,

friers, or other religious or ecclesiastical houses or places, our said soueraigne lorde was founder or patron, or which manours, meses, landes, tenemēts, or other hereditaments were of the auncient or olde foundacion or possessiō of the said late monasteries abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious or ecclesiastical houses or places, shalbe vterly voide & of none effect.

¶ And it is further enacted by the authorite aboue said, that if any abbot, prior abbesse, prioresse or other ecclesiasticall gouernor or gouernesse, of any monasterie, abbathie, priorie, nunry, colledge, hospital, house of friers, or other religious or ecclesiastical house or place, which hereafter shal happen to be dissolued, surrendred, renounced, relinquished, forfaited, geuen vp, or come to the kinges highnes, within one yeare next before the first day of this present parlyament, haue made, or hereafter do make, any lease or graunt, vnder his couent or commō seale, or otherwise for terme of yeres, or lyfe or liues, of the site, circuite & procinct of his said monasterie, abbathie, priory, nunry, colledge, hospital, house of friers, or other religious or ecclesiastical house or place, or of any part therof or of any manours, messuages landes, tenements, personages appropriate, tithes, pencions, porcions or hereditaments belonging or apperteining to his saide monasterie,

nasterie, abbathie, priory, nunry, colledge, hospitall, house of friers, or other religious or ecclesiasticall house or place, whiche manours, meases, granges, landes, tenemēts, personages appropriate, tithes pencions, porcions and other hereditamēts whatso euer they be, were not before the same lease, commonly vsed to be set nor let to ferm̄, but kept & reserued in the manurance, tillage or occupacion of ye said gouernour or gouernesse, for the maintenance of hospitalitie & good house keping, or now be in the manurāce tillage or occupaciō of ye said gouernour or gonernesse for the maintenāce of hospitalitie and good house keping: or Win one yere, next before ye first day of this present parliament, hathe made, or hereafter shall make anye lease or graunt for terme of life, or for term of yeres of any mannours, meases, landes, tenemēts medowes, pastures, woods, personages, appropriate, tithes, pencions, porcions churches, chappels, or other hereditaments what soeuer they be, wherof and in the which any estate or interest for terme of life, yere or yeres, at the time of the making of anye suche graunt or lease, then had his beinge or continuaunce, or hereafter shall haue his being or continuance, & ye was not determined, finished or expired, or at the tyme of any such lease to be made, shal not be determyned, finyshed or expired, or wythin one yeare next before the first day of this p̄sent pliam̄t hath

made

made or hereafter shall make any lease or graunt for terme of life, or for term of yeres of any manours, mesuages, lands tenemēts medowes, pastures, woods, personages appropriate, tithes, pensions, porciōs, churches chapels or other hereditaments what soeuer they be, vpon the whiche leasses and grants the vsuall and olde rents & fermes, accustomed to be yelden & reserued, by the space of xx. yeres, next before the said first day of this present parliament, is or be not, or hereafter shall not be thereupon reserued & yelden: Or of any such gouernour or gouernesse, of any such monasterie, abbathie, priory, nunry, colledge, hospitall, house of friers, or other religious or ecclesiasticall house or place, which hereafter shall happen to bee dissolued suppressed, renounced, relinquished, forfaited, geuen vp or come to the kings highnesse, within one yere next before the first daye of this present parliament hathe made, or hereafter shall make any bargain or sale of his woods whiche woods be yet growing and standing, that then all & euery suche lease graunt bargaine & sale of wood or woods, shall be vtterly voide & of none effect.

¶ And it is also enacted by thaucthorite aforesaide that all feoffementes, fines & recoueries had, made knowledged or suffered, within one yere next before the first daye of this presēt parliamēt: or hereafter to be had made, knowledged or suffered by any gouernour or gouernesse of any monastery, abba-

thie

thie, priory, nunry, colledge, hospitall, house of friers or other religious or ecclesiastycall house or place, whiche hereafter shall happē to be dissolued, suppressed, renounced, relinquished, forfaited, geuen vp, or come to ye kinges highnesse, without the kings licence under his great seale, of any manours, meases, lands, tenements or other hereditamēts whatsoeuer they be, which the saide abbots, priours, abbesses, prioresses, and other ecclesiasticall gouernours and gouernesses, whiche hereafter shall happen to bee dissolued, suppressed, relinquished, forfaited, geuen vp or come vnto the kinges highnesse, as is aforesaide or any of thē, or any of their predecessours, had or helde, or haue and holde of the gift, graunt or confirmaciō of our said soueraigne lorde, or of any of his highnesse progenitours, or of the which monasteryes, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious & ecclesiasticall houses and places, oure sayde soueraigne lorde is founder or patrone, or whiche manours, meases, landes, tenemēts or other hereditamentes, were or bee of the auncient or olde foundacion or possession of the said monasteries, abbathies, priories nūries, colledges, hospitals, houses of friers, or other religious or ecclesiasticall houses or places, shal bee vtterlye voyde and of none effect.

¶ Prouided alway, and be it enacted by authoritie abouesaide, that if any abbot prior,

prior, abbesse or prioresse, or other gouernor or gouernesse aboue said, & in one yere next before the first day of this present parliamēt or if any late abbot, priour, abbesse, prioresse or other late gouernour or gouernesse aboue said, & in one yere next before any such dissolution, suppression, renouncing, relinquishing forfaiting, geuing vp, or cōming to ỹ kinges highnesse, of the premisses or of any parcell ther of as is aforesaid, haue made any demise lease or graunt to any person or persons, for terme of yeres, of any manors, meases, lāds, tenements, personages appropriate, tythes, pencions, porcions, or other hereditaments aforesaid, which person or persons at ỹ time of the said demise, lease or graunt, had & held ỹ same to ferme for terme of yeres then not expired: that then ỹ said person or persons to whom any such demise, lease or graūt hath ben so made, shal haue & hold ỹ sāe for ỹ term of .xxi. yeres only, frō the time of the making of the said demise, lease or graunt, if so many yeres be by the same demise, lease or graunt specified, limitted & expressed, or els for so many yeres as in suche demise, lease or grāt ben expressed, so ỹ the old rent be thereupon reserued, & so ỹ the same lease or leases excede not .xxi. yeres, this act or any thing ther in contemed to the contrary notwithstanding.

| See Plow. Cō. fo. 106. & after Fulmerstō stewards case.

Prouided also, & be it enacted by thauthoritie aboue said, ỹ if any abbot, prior, abbesse, prioresse or other late gouernor or gouernesse,

nemesse, & in one yere next before any suche dissolution, suppression renouncing, relinquishing, forfaiting, geuing by or comming vnto the kings highnes, of the premisses, or of any parcel therof, as is aforesaid, haue made any demise, lease or graunt to any person or persons, for term of life or liues of any maners, meases, lands, tenements, personages appropriate, tithes, pencions porcions or other hereditaments aforesaid, which person or persons or any of them, at the time of ỹ said demise, lease or graūt had & held ỹ same for terme of life or liues, or for term of yeres then not expired: ỹ then the said person or persons, to whō any suche lease or graunt hath ben so made, shal haue & holde the same for terme of their life or liues, so ỹ the olde rent be therupon reserued: This act or any other thing therin conteined to the contrary therof notwithstanding.

¶ Prouided also & be it enacted by ỹ authoritie aforesaid, that al & singuler leases & graūts made by copy, to any person or persons of any of the saide messuages, landes tenemēts, personages appropriate, tithes, pēcōs, porciōs or other hereditamēts aforesaid, for term of life or liues, which by ỹ custome of the countrey hath ben vsed to be demised lette or graūted by copy of court Roll, shal be good & effectual in the law, so that ỹ olde rent be reserued by & vpō euery such lease & lease: this act or any thing therin cōteined to the contrary in any wise notwithstanding.

¶ Prouided

prior, abbesse or prioresse, or other gouernor or gouernesse aboue said, & in one yere next before the first day of this present parliamẽt or if any late abbot, priour, abbesse, prioresse or other late gouernour or gouernesse aboue said, & in one yere next before any such dissolution, suppression, renouncing, relinquishing forfaitting, geuing vp, or cõming to ẏ kinges highnesse, of the premisses or of any parcell ther of as is aforesaid, haue made any demise lease or graunt to any person or persons, for terme of yeres of any manors, meases, lãds, tenements, personages appropriate, tythes, pencions, porcions, or other heredetaments aforesaid, which person or persons at ẏ time of the said demise, lease or graunt, had & held ẏ same to ferme for terme of yeres then not expired: that then ẏ said person or persons to whom any such demise, lease or graũt hath ben so made, shal haue & hold ẏ sãe for ẏ term of .xxi. yeres only, frõ the time of the making of the said demise, lease or graunt, if so many yeres be by the same demise, lease or graunt specified, limitted & expressed, or els for so many yeres as in suche demise, lease or grãt ben expressed, so ẏ the old rent be thereupon reserued, & so ẏ the same lease or leases excede not .xxi. yeres, this act or any thing ther in contemed to the contrary notwithstanding.

| See Plow. Cõ. fo. 106. & after Fulmerstõ's stewards case.

Prouided also, & be it enacted by thauctoritie aboue said, ẏ if any abbot, prior, abbesse, prioresse or other late gouernor or gouernesse,

nemesse, wthin one yere next before any suche dissolution, suppression renoncing, relinquishing, forfaiting, geuing vp or comming vnto the kings highnes, of the premisses, or of any parcel therof, as is aforesaid, haue made any demise, lease or graunt to any person or persons, for terme of life or liues of any mannors, meases, lands, tenements, personages appropriate, tithes, pencions porcions or other hereditaments aforesaid, which person or persons or any of them, at the time of the said demise, lease or graūt had & held the same for terme of life or liues, or for terme of yeres then not expired: the then the said person or persons, to whō any suche lease or graunt hath ben so made, shal haue & holde the same for terme of their life or liues, so the olde rent be therupon reserued: This act or any other thing therin conteined to the contrary therof notwithstanding.

Prouided also & be it enacted by the authoritie aforesaid, that al & singuler leases & graūts made by copy, to any person or persons of any of the saide meluages, landes tenemēts, personages appropriate, tithes, pēcōs, porciōs or other hereditamēts aforesaid, for terme of life or liues, which by the custome of the countrey hath ben vsed to be demised letted or graūted by copy of court Roll, shal be good & effectual in the law, so that the olde rent be reserued by & vpō euery such lease & leases: this act or any thing therin cōteined to the contrary in any wise notwithstanding.

Prouided

¶ Prouided alway & be it further enacted by thauctoritie aforesaid, that all leases heretofore made of any of the premisses, by auctoritie of our soueraign lord the kings court of augmentacions, of the reuenues of his crown & all such leases, feoffements & wood sales, made by the said gouernours & gouernesses or any of them, vnder their couent seales, or vnder the couent or cõmon seale of any of the. ¶ In one yere next before the dissolucion, suppression, renouncing, relinquishing, forfaytyng, geuing vp or cõming to the kings highnes, of the said monasteries, abbaies, priories, nunries, colledges, hospitals, houses of friers or other religious or ecclesiastical houses or places, which said leases, graunts feoffements & wood sales, haue ben examined, enrolled, decreed or affirmed, in our said soueraign lord the kings court of augmentations, & the decree of the same put in writyng, sealed with the seale of the said court of augmentacions, shalbe good & effectual according to the same decree: any clause or act, heretofore in this present act to the cõtrary notwithstanding. ¶ Prouided alway & be it also further enacted by the auctority aboue said, that if any person or persons, haue iustly & truely, without fraude or couin, paied or geuen any sume or sumes of money to any the said late gouernours or gouernesses, for the bargaine & sale of any woods, being & growing in or vpon any manors, lands, tenements, or hereditamentes, which appertained or belonged to the said late

monasteries

monasteries, abbathies, priories, nūries, colledges, hospitals, houses of friers, or other religious or ecclesiastical places, or vnto any of thē which bargain & sale, by aucthority of this act, is made void & of none effecte, & by meane thereof, ye kings highnes may haue & take the commoditye and profite of suche woodes, so bargined and solde: that then the Chauncellour and other officers of our said soueraigne lorde the kinges courte of augmentacions, or three of them, whereof the Chauncellour for the time being shall be one of our saide soueraigne Lord the kings treasour, remaining in the Treasorie of the same court, shal satisfie and recompence, eury such person and persons, such summe of money or other recompence, as the same Chauncellour and officers, or three of them, whereof the said Chauncellour shalbe one, shal think meete and conuenient. And if any other person or persones, shall happen to take profite and commoditie, by reason of aduoidinge of such woode sales by aucthoritie of thys acte, that then euery person and personnes, which may or shal take such profite, shalbe ordered for satisfaccion to be made to the parties, that shall happen to be greued by this acte, by the said Chauncellour and other the officers of the same courte.

¶ Prouided also, and be it further enacted by thaucthority abouesaide, that al and euery person and persones their heires and assignes, which sithen the saide iiij. day of Fe-

bruarie, by licence, pardone, confirmacion, release, assent, or consent of our said soueraign lord the king, vnder his greate seale heretofore geuen had or made, or hereafter to behad or made, haue obtained or purchased, by indenture, fine, feoffemēt, recouery, or otherwise, of ye said late abbotes, priors, abbesses, prioresses, or other gouernors or gouernesses of any such monasteries, abbathies, priories, nūries colledges, hospitals, houses of friers, or other religious & ecclesiastical houses or places, any monasteries, priories, colledges, hospitals, manours, lāds, tenements, medowes, pastures, woods, churches, chapels, psonages, tithes, pensions, porcions, or other hereditaments, shal haue & enioy ye same, according to such writings & assurāces. as ben therof before the first day of this present parliament, or hereafter shall be had or made.

¶ Sauing to al & euery person & persons, & bodies politike their heires & successours: & to the heires & successours of euery of thē, other thē ye said late abbots, abbesses, priors prioresses, & other gouernors & gouernesses & their successours, & the successours of euery of them, and suche as pretend to be founders, patrons or donours of the said monasteries, abbathies, priories, nunries, colledges hospitales, and other religions or ecclesiasticall houses or places: or of any of them, or of any manours, mesuages, landes, tenements, or other hereditamentes late belonginge to the same, or to any of them, and their heires,

successours

successours, and the heires and successours of euery such founder, patron or donour) all such right, title, interest, possession, rents, annuities, commodities, offices, fees, liuerys, and liuinges, porcions, pencions, corodyes, synodes, proxies, and other profites, whiche they or any of them haue ought or mought haue had, in or to any of the said monasteries, abbathies, priories, colledges, hospitals, manours, landes tenementes, rentes, seruyces, reuersions, tithes, pensions, porcions, or other hereditamentes, at anye tyme before anye such purchase, indentures, fynes, feoffementes, recouerye, or other lawfull meane, betwene anye suche partyes, had or made, as is aboue saide, thys act or any thing therin contained to ỹ contrary not withstanding.

¶ And where our saide soueraigne Lorde sith the fourth day of Februarye, the sayde xxij. yere of the raigne of our said soueraigne lord, hath obtained and purchased as wel by exchaunges, as by giftes, bargaines, fynes, feoffements, recoueries, dedes, enrolled, and otherwise, of dyuers and sundrye persones, manye and diuers honours, castelles, manours, landes, tenementes, medowes, pastures, woodes, rentes, reuersions, seruyces, and other hereditamentes, and hathe not onelye payde dyuers and sundrye greate summes of money for the same, but also hathe geeuen and graunted for the same, vnto dyuers and sundrye persones,

diuers and sundrye manours, landes, tenementes, and hereditamentes, and other recompenses, in and for full satisfaccion of all such honours, castels, manours, landes, tenementes, rentes, reuersions, seruices, and other his hereditamentes, by his highnes obtained or had as is aboue said. Be it therfore enacted by the auctoritie aboueside, that our saide soueraigne lorde the king, his heires and successours, shall haue, holde possede and enioy, all such honours, castels, manours, landes, tenementes, and other hereditamentes, as his highnes sith the said iiij. day of Februarye, the xxvij. yere aboueside, hath obtained and had, by way of exchaunge bargaine, purchace, or other what soeuer meane or meanes, according to the true meaning & intēt of his highnes bargain exchāge or purchace, misrecital, misnaming, or nonrecitall, or not naminge of the saide honours, castels, manours, landes, tenementes, and other hereditamentes, comprised or mencioned in the bargaines or writinges, made betwene the kinges highnes and anye other partie or parties, or of the townes or counties, where the saide honours, castels, manours, landes, tenements and hereditamentes lye and ben, or anye other matter or cause what soeuer it be in anye wyse notwithstanding.

¶ Sauing to all and enerye persone and persones, and to their heires, bodies politike and corporate, and to their successours, and

to

to euery of them, (other than such person and persones and their heires, and their wyues, and the wiues of euery of them, bodies politike and corporate and their successours and euery of them, of whom the kinges highnes hath obtained, by exchaunge, gifte, bargaine, fine, feoffement, recouerie, deede enrolled or otherwise, any such honours, castels, manours, landes, tenementes, and other hereditamentes, as is aforesaide) all such right title, vse, interest, possession, rentes, charges, annuities, commodities, fees, and other profites, (rentes, seruices, and rentes seckes, only except,) which they or any of them haue might or ought to haue had, in or to the premisses so obtained and had, or in or to anye parcell thereof, if this acte had neuer be had nor made, this present acte or any thing therin contained to the contrarye notwithstanding.

¶ And where it hath pleased the kinges highnes of his most abundant grace & goodnes, aswell vpon diuers and sundry consideracions his maiestye specially mouinge, as also otherwise, to haue bargained, solde, chāged or geuen, and graunted, by his graces seueral letters patentes, indentures or other writinges, aswell vnder his highnes greate seale, as vnder the seale of his highnes Duchy of Lancaster, and the seale of the office of the augmentacions of his crowne, vnto diuers and sundry of his louing and obedyent subiectes, diuers and sundrye honours,

castels, manours, monasteries, abbathyes, priories, landes, tenements, rentes, reuersions, seruices, personages, appropriated, aduowsons, liberties, tithes, oblacions, porcyons, pensions, fraunchises, priuiledges, liberties, and other hereditamentes, commodityes, and profites, in fee simple, fee taile, for terme of life, or for terme of yeres. For auoiding of which saide letters patentes, and of the contentes of the same, diuers sundrye and many ambiguities, doubtes, and questions, might hereafter arise, be moued, & stirred, aswell for misrecitall or nonrecitall, as for diuers other matters thinges or causes to bee alledged obiected or inuented against the saide letters patentes, as also for lacke of finding of offices or inquisicions, whereby the title of his highnes therin ought to haue bene founde, before the making of the same letters patentes, or for misrecitall or nonrecitall of leases, as well of recordes as not of recorde, or for lacke of the certaintye of the values, or by reason of misnaming of the honours, castels, manours, monasteries, abbathies, priories, landes, tenementes, & other hereditamentes, compriſed and mencioned within the same letters patentes, or of the townes and counties, where the same honours, castelles, manours, monasteryes, abbathies, priories, landes tenementes, rentes, and other hereditamentes, lien and ben as for diuers and sundrye other suggestions and surmises, which hereafter mighte hap-

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pen to bee moued, surmised, and procured, againste the same letters patentes, all be it the wordes in effecte contained in the sayde letters patentes bee accordinge to the true intent and meaninge of his moste Royall maiestye.

¶ Be it therefore enacted by the aucthoritye of this present parliament, that as well al and euery the saide letters patentes, indentures, or other writinges and euerye of them, vnder the seale or seales, abouesayde or anye of them, made or graunted by the kinges highnes, sithen the saide fourth daye of Februarye, the said xxvij. yere of his most noble Raigne, as all and singuler other hys graces letters patentes, indentures or other writinges, to bee had made or graunted, to anye persone or personnes, within three yere nexte after the makinge of this present acte, of anye honours, castelles, manours, monasteries, abbathies, priories, nunryes, colledges, hospitals, houses of friers, or of other religious or ecclesiasticall houses or places, sites, circuites, procinctes, landes, tenementes, personages, tithes, pensions, porcions aduowsons, nominacions, and al other hereditamentes, and possessions, of what kinde nature or qualitye so euer they bee, or by what so euer name or names they or any of them be named, knowen or reputed, shall stande and be good, effectuall and auaileable in the lawe of thys Realme to all respectes, purposes, constructions, & intentes,

againste his maiestie his heires and succes-
sours, without any other licence, dispensaci-
on or tollerance, of the kinges highnes hys
heires and successours, or of any other per-
son or persones what so euer they be, for a-
nye thinge or thinges contained or hereafter
to be contained in any such letters patentes
indentures or other writinges: any cause, cō-
sideracion, or thing materiall, to the contra-
ry in any wise notwithstanding.

¶ Sauing to all and singuler persons, bo-
dies politike and corporate, their heires and
successours, and the heires and successours
of euery of them (other then his highnes his
heires and successours, and the saide gouer-
nours and gouernesses and their successors,
donours, founders, and patron aforenamed
and their heires and sucessours, and al other
persons claiming in their rightes, or to their
vse, or in the right or to the vse of anye of
them) al such right, title, claime, interest, pos-
session, reuersion, remainder, offices, annui-
ties, rent charges, and commons, which they
or any of them, haue ought or mought haue
had, in or to any of the said honours, castels,
manours, monasteries, abbathies, priorys,
landes, tenementes, and other hereditamen-
tes, in the said letters patents made, or here-
after to be made, compriſed at any time be-
fore the making of the said or such letters pa
tentes. This acte or any thinge therin con-
tained to the contrary notwithstanding

¶ And where diuers and sundry abbotes,

priories,

pryories, abbesses, pryoresses, and other eccle-
siasticall gouernours and gouernesses of the
saide late monasteries, abbathies, pryories,
nunries, colledges, hospitals, houses of frie-
rs and other religious and ecclesiasticall
houses and places, haue had possessed and en-
joyed diuers and sundry personages, appro-
priated, tithes, pensions, and porcions, and
also were acquited and discharged of & for
the paiment or paimentes of tithes to bee
paide out of for their said monasteries, ab-
bathies, pryories, nunries, colledges, hospy-
tals, houses of friers, and other religious &
ecclesiasticall houses and places, manours,
messuages, landes, tenementes, and hereditа-
mentes. Be it therefore enacted by the auc-
thoritie aboueseid, that aswell the king our
Soueraigne lord, his heires & successors, as
also euery such person & persons their heires &
assignes which haue or hereafter shal haue a
ny monasteries, abbathies, pryories, nunries
colleges, hospitals, houses of friers, or other
ecclesiastical houses, or places, sites, circuits
precinctes, of the same, or of any of them, or
any manours, messuages, personages, appro-
priate, tithes, pencions, porcions, or other he
reditaments what soeuer they be, which be-
longed or apperteined, or which now belong
or apperteine, vnto the said monasteries, ab-
bathies, pryories, nunries, colledges, hospy-
tals, houses of friers, or other religious and
ecclesiasticall houses or places, or vnto any
of them, shall haue, holde, reteine, kepe, and

enioy

enioy, aswell the saide personages, appropriate, tithes, pensions, and porcions of the said monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, & other religious and ecclesiasticall houses and places, sites, circuites, procincts, manours, messes, landes, tenementes and other hereditamentes, what so euer they bee, and euerye of them, accordinge to their estates and titles, discharged and acquited of payment of tythes, as freelye and in as large and ample maner, as the saide late abbotes, priours, abbesses, prioresses, and other ecclesiasticall gouernours and gouernesses, or any of them had, helde, occupied, possessed, vsed, reteined, or enioyed the same, or anye parcell thereof, at the daies of their dissolucion, suppression, renouncing, relinquishing, forfaiting, geuing vp or commynge to the kinges highnesse, of such monasteries, abbathies, priories, nunries, colledges, hospitals, house of friers, or other religious or ecclesiastical houses or places, or at the day of the dissolution, suppression, renouncing, relinquishing, geuing vp or comming to the kinges highnesse of anye of them, this acte or any thinge therein contayned to the contrary notwithstanding. | Anno 32. H. 8. ca. 7.

¶ Sauing to the kinges highnesse his heires and successours, all and all manner of rentes, seruices, and other duyties, what so euer they bee, as if this acte had neuer bene had nor made.

¶ And

¶And be it further enacted by auctthority of this present parliament, that suche of the saide late monasteries, abbathies, prioryes, nunries, colledges, hospitals, houses of fryers, and other religious and ecclesiasticall houses and places, and all churches, and chapels, to them or anye of them belonginge, whiche before the dissolucion, suppression, renouncing, relinquishing, forfaiting, geuing vp or comminge vnto the kinges highnes, were exempted from the visitacion or visitacions, and all other iurisdiction of the ordinarye or ordinaries, within whose diocesse they were situate or set, shal from henceforth be within the iurisdiction and visitacion of the ordinary or ordinaries, within whose diocesse they or any of them be situate and set, or within the iurisdiction and visitacion of such persone or persones, as by the kinges highnesse shal be limited or appointed: this acte or any other exempcion, libertie or iurisdiction to the contrary notwythstanding. &c. | A Confirmacion of the duke of Northfolke his purchace of Sipten monasterye, and of the lord Cobhams purchace of Cobham chaunterie. |

Wils.

¶ An acte how by the kinges graunt, landes tenementes, &c. may be by will, testament or otherwise disposed, and concerning wardes and Primer seasons. 32. H. 8. Cap. 2. Wills. 2.

WHere the kings most roial maiestie, in al the time of his most gracious and noble Raigne, hath euer bene merciful, louing and beneuolent, and most gracious soueraigne Lorde vnto all and singuler his loning and obedient subiectes, and by manye times past, hath not onely shewed & imparted to them generallye, by his many and often great and beneficiall pardons heretofore by auctho̅rities of his parliamentes graunted, but also by diuers otherwaies & meanes many great and ample grauntes and benignities, in such wise as al his saide subiectes, bene most bounden, to the vttermost of all their powers and graces by them receyued of God, to render and geue vnto his maiesty their moste humble reuerence and obedient thankes and seruices, with their dailye and continuall praier to al mightye God, for the continuall preseruacion of his most Roiall estate, in most kingly honour and prosperitie yet alwaies his maiestie being replete & endowed by God, with grace goodnes, and liberalitie, most tenderly considering that his

saide

laid obedient and louinge subiectes, can not vse or exercise them selues, accordinge to their estates, degrees, faculties, and qualities, or to beare themselues in such wise as that they may conuenientlye kepe and maintein theyr hospitalities and families, nor the good educacions and bringing vp of their lawfull generacions, whiche in this Realme laude bee to God, is in all partes very great and abundante, but that in maner of necessitie, as by daily experience is manifested and knowen they shal not be able of their proper goodes cattals and other moueable substance, to discharge their debts, and after their degrees set forth and aduaunce their children & posterities. Wherefore our saide soueraigne lorde most vertuously considering the mortalitye that is to euery person, at Gods will & pleasure, most common and vncertaine, of hys most blessed disposicion and liberalitie, being willing to relieue and helpe his saide subiectes, in their saide necessities and debilitie, is contented and pleased, that it be ordeined, & enacted, by authority of this present parliament, in maner and fourme as hereafter followeth, that is to say, that all and euerye persone and persones, hauinge, or whyche hereafter shall haue, anye manours, landes, tenementes, or hereditamentes, holden in socage, or of the nature of socage tenure, & not hauinge any manours, lands, tenementes, or hereditamentes, holden of the kinge our soueraigne Lord by knightes seruice, or

by

by ſocage tenure in chiefe, or of the nature of ſocage tenure in chiefe, nor of any other perſone or perſones by knightes ſeruice, from the xx. day of July in the yere of our Lorde God M.v.C. & xl. ſhall haue full and free libertie, power, and aucthoritie, to geue diſpoſe, will, and deuiſe, as well by his laſt will and teſtament in writing, or otherwiſe, by anye acte or actes, lawfully executed in hys life, all his ſaide manours, landes, tenementes, or hereditamentes, or anye of them, at his free will and pleaſure, any lawe, ſtatute, or other thing, heretofore had, made or vſed to the contrary notwithſtanding.

¶ And that all and euery perſone and perſons, hauing manours, landes, tenements or hereditamentes, holden of the king our ſouereigne Lord his heires or ſucceſſours in ſocage, or of the nature of ſocage tenure in chiefe, and hauing any other manours, landes, tenementes, or hereditamentes, holden of any other perſon or perſones in ſocage, or of the nature of ſocage tenure, and not hauing, anye manours, landes, tenementes, or hereditamentes, holden of the king our ſouereigne Lord, by knightes ſeruice, nor of any other lord or perſon by like ſeruice, from the xx. day of July, in the ſaide yere of our lorde God M.v.C. and forthe, ſhall haue full and free libertie, power, and aucthority, to geue, will, diſpoſe, and deuiſe, as well by hys laſte will or teſtament in writing, or otherwyſe, by anye acte or actes lawfullye executed in

his life, al his saide manours, landes, tenementes, and hereditamentes, or any of them, at his free will and pleasure, any law, statut, custome, or other thinge, heretofore had, made or vsed to the contrary notwithstāding Sauing alwaye and reserninge to the kinge our soueraigne Lorde his heires and successours, all his righte, title, and interest of mimer seison, and reliefes, and also all other rightes, and duityes, for tenure in socage, or of the nature of socage tenure in chyefe, as heretofore hath bene vsed and accustomed the same manours, landes, tenementes, or hereditamentes, to bee taken, had and sued out of and from, the handes of hys highnesse hys heires and successours, by the person or persones, to whom anye suche manours, landes, tenementes, or hereditamentes, shal bee disposed, willed or deuysed in suche and like maner and fourme, as hathe bene vsed by anye heire or heires before the makinge of this estatute.

¶ And sauing and reserninge also, fynes for alienacions, of suche manours, landes, tmementes, or hereditamentes, holden of the kinge our Soueraigne Lorde, in socage or of the nature of socage tenure in chyefe, whereof there shall be any alteracion of free holde or inheritaunce made by will or otherwise as is aforesaide.

¶ And it is further enacted by authorityе aforesaide, that all and singuler personne, and persones, haupnge anye manours, landes,

landes, tenements, or hereditamentes, of estate of inheritaunce, holden of the kynges highnesse in chiefe by knightes seruice, or of the nature of knightes seruice in chief from the saide twenty day of July, shal haue full power and aucthoritie by his last wil by writing, or otherwise by any acte or actes lawfully executed in his life, to geue, dispose, wil or assigne, two partes of the same manours, landes, tenementes, or hereditamentes, in three partis to be deuided, or els as muche of the saide manours, landes, tenementes, or hereditamentes, as shal extende or amounte to the yerely value of two partes of the same in three partes to bee deuided in certaintye, and by special diuisions, as it may be knowen in seueralty, to and for the aduauncement of his wife, preferment of his children, and paiment of his debts, or otherwise at his wil and pleasure, any lawe, statute, custome or other thinge, to the contrary therof notwithstanding. Sauing and reseruing to the king our soueraigne Lord, the custody, wardship and primer season, or any of them, as the case shal require, of as much of the same manors landes, tenements, or hereditaments, as shal amount and extend to the full and clere yerely value, of the thirde part therof, without any diminucion, dower, fraude, couin, charge or abridgement of any of the same third part or of the full profites thereof. Sauinge also and reseruinge to the kinge our soueraigne Lord, all fines for alienacions, of all suche manours,

manours, landes, tenements, and hereditaments, holden of the king by knight seruice in chiefe, wherof there shalbee any alteratiō of freehold or inheritance, made by will or otherwise, as is aboueſaid.

¶ And be it enacted by auctheritie aforeſaid, that all and singuler person & persones hauing manours, lands, tenements or hereditaments of estate of inheritance, holden of the king in chiefe by knightes seruice, & hauing other manours, lands, tenementes, or hereditaments, holden of the king, or of any other person or persons by knights seruice, otherwise, euery suche person & persons, from the said .xx. day of July shall haue full power & auctheritie to geue, diſpoſe, will or assigne, by his last will in writing, or otherwise by any act or acts lawfullye executed in his life, two partes of the same manours, lands, tenements or hereditaments, in three partes to bee deuided, or els as much of the same manours, landes, tenementes & hereditaments, as shall extend or amount to the yerely value of two parts of ỹ same, in three partes to be deuided in certainty, & by speciall deuiſions, as it may bee knowen in seuerallye, to and for the aduauncement of hys wyfe, preferment of his children, & payment of his debts, or otherwise at his wyll and pleasure, any lawe, statute custome or other thyng to the contrary thereof notwithstanding. Sauing alway and reſeruing to the king our soueraigne lorde, ỹ custody, ward-

ship, and primer seasen, or any of them, as ye case shal require, of as much of the same manours, lands, tenements or other hereditaments, as shall amount & extend to the full and clear: yerely value of the third part ther of, without any manner diminution, dower, fraude, coun, charge, or subtraction of the same third part, or of the full profits therof. Sauing alway and reseruing to our said soueraigne lord the king, al fines for alienation, of any such manours, lands, tenements, or hereditamts, holde of the king by knights seruice in chefe, whereof there shal be anye alteration of freehold or inheritance made by will or otherwise, as is aboue said.

¶ Be it further enacted by the aucthority aboue sayde: that if any persone or persons holde any manours, landes, tenements or hereditaments onely of any other lorde or personne, then of the kyng our saide soueraygne lord by knyghtes seruice, and other landes and tenemts in socage, or of the nature of socage tenure, that then euery suche personne, shall or may geeue, dispole or assure by hys laste will or otherwise, by anye act or actes lawfullye executed in his life, two partes of the saide mannours, landes, and tenements, holden by knyghtes seruice, or of as muche thereof, as shall amount to the full yearely value of two partes, in maner and fourme as is aboue declared: And also all the landes and tenements holden by socage, or of the nature of socage tenure, at

hys

hys will and pleasure as is aboue wrytten, hauing and reseruing to the lorde of the landes and tenements holden by knyghtes seruice, for hys custody and wardshyppe, as muche of the same landes and tenements, as shall extende or amount to the full and clere yerely value of the thirde parte of the same landes and tenements holden by knyghtes seruice, wout any diminucion, dower, fraude couin, charge, or subtraction of any porcyon of that third part, or of the clere yerely valu therof, in maner & fourme aforesaid.

¶ And be it further enacted by the auctho-ritie aboueſaid, that if any person or persons holde any manours, landes, tenementes or hereditaments onely of the king oure soue-raigne lorde by knyghtes seruice and not in chiefe, or hold any mannours, landes, tene-mentes or hereditaments of our saide soue-raigne lorde by knyghtes seruice, and not in chiefe, and also holde, other manours, lands tenements and other hereditaments of any other person or persones by knyghtes ser-uice, and also holde other manours, landes tenements or hereditamentes of anye other person or psons in socage, or of the nature of socage tenure, ỹ then al & euery such pson & psons, shall & may geeue, dispose, will de-uise, & assure, by his last will or otherwise, by any act or acts lawfully done & executed in his life, two parts of the same manors, lāds tenements & hereditamentes, holden of our sayde soueraygn lorde the kyng by knights

ſeruice, & two partes of the manors, landes, tenements and hereditamēts, holden of any other perſon or perſones by knights ſeruice, or as much of eyther of them as ſhal amount to the full yerely value of two partes, in maner and fourme as is aboue declared: & alſo of all his landes and tenements, ſo holden in ſocage, or of the nature of ſocage tenure at his free will and pleaſure. Sauing & reſeruing to the kings highnes, the cuſtodye and ward ſhip of as much of the ſame manours, lands, tenementes, or other heredytaments as ſhall extende and amount to the full and clere yerely value, of the thirde part of the ſaide manours, landes, tenements, and hereditamēts ſo holdē of his highnes by knights ſeruice, without anye diminucion, dower, fraud, couin, charge, and ſubtraction, of any porcion of that thirde part, or of the full profites thereof. And alſo ſauing and reſeruing, to the lordes of whom any of the ſaid manours, landes, tenements or other hereditaments, ben holden by knightes ſeruice, for cuſtody and ward ſhip, as muche of the ſame mannours, landes, tenementes or hereditamentes holden of them or anye of them, by knightes ſeruice, as ſhall extende & amount to the full and clere yearely value, of the thirde parte of the ſame, without any diminution, charge, fraude, couin, or ſubtraction of any porcion of that thirde, or of the cleare yerely value of ỹ third part therof, in maner & forme aboue declared.

¶ Proui-

¶ Prouided alway, & it is further enacted by the aucthoritie aforesaide, that if that third part of the manours, lands, tenements or hereditaments, of any of the kinges subiects, which in any of the cases abouesayde, shall hereafter come to the kings highnesse, his heires or successours, by vertue of thys act, as is abouesaid, be not, or do not, amoũt to the cleare yerely value of the thirde part, of all the said manors, landes, tenements, or other hereditaments, wherof the kings highnesse, is or shalbe intitled to haue the custody or primer season, as is abouesaid: that thẽ our said soueraigne lord and his heirs shal & may at his or their free liberty and pleasure take into his or their hands and possessiõ, as much of the other two parts of the said manors, landes, tenementes and other hereditaments, as with that of the same manours, landes, tenements or hereditaments holden, remaining in ẏ kings hands, shall make vp the clere yerely value of the full thirde parte of the saide manours, landes and tenements so to be had to the kinges highnes in title of wardship, & primer season, or any of thẽ, as the case shal require, and like benefit & aduantage to be geuen to euery lord & lordes, of whom any such manors, lands, tenemẽts or hereditamentes, ben or shalbee holden by knights seruice, as is abouesaide, cõcernyng ōly his third part, of or for title of wardship.

¶ Prouided alway, & be it further enacted by the aucthoritie aforesaid, ẏ euery ꝑson

and persons shall sue their liueries, for possessions, reuercions or remainders, & also pay reliefs & heriots, after such maner & fourme as they should or ought to haue done, before the making of this acte & as if this acte had neuer bē made. And ẏ fines for alienations, shal be paid in ẏ kings chācery, for and vpon writs of entre in ẏ poste, to be obteined in ẏ same court of chācery, after ẏ said .xx. day of July, for cōmon recoueries to be had or suffered of any manours, landes, tenements or hereditaments holden of the king in chiefe: in like maner & forme as is vsed vpon alienations of suche manors, lands, tenements or hereditaments, so holden in chiefe, by fine or feoffement.

¶ Prouided also, & be it enacted by ẏ authority aforesaid, ẏ in such cases, wher fines for alienations shalbe paid in ẏ kings Chācery for writs of Entre in the poste, as is aforesaide, that then none other fine shalbee payd in the same court for any suche writs: any vsage or custome to the contrary therof notwithstanding.

¶ And bee it further enacted by the authoritie aforesaid, that where two or more persōs now hold, or hereafter shal hold, any manours, lands, tenements or hereditamts, of the king our soueraigne lorde by knights seruice, iointly to them, & to the heires of one of them, & he that hath the inheritance therof dieth, his heir being within age, ẏ in euery such case, the king shal haue the warde & marriage

mariage of the body of such heir so being Wi-
nage, the life of the freholder or freholders
of the said manors, landes, tenemēts or here-
ditaments so holden by knights seruice, not-
withstanding. Sauing and reseruing to all
& euery woman & women, all & euery such
right, title & interest of dower, as they or a-
ny of them, owe to haue, or be, or shalbe, iust
ly intitled to haue, claime or demaund of a-
ny manours, lands, tenements or heredyta-
mēts by the lawes of this realme. to be taken
or assigned vnto them or any of them. out of
the two parts of the said manours, lands, te-
nements or hereditamēts seuered & deuided
from the third part, as is abouesaid, & not
otherwise. And sauing also to the kyng our
soueraigne lord, his heires & successours, the
reuersions of al such tenants in ioint tenure
& dower, immediately after the death of such
tenants, if they shal happen to die, during ye
minoritie of the kings wardes.

¶An acte for the limitation of pres-
cription. 32. H. 8. Cap. 2.

¶Limitation. 3.

FOrasmuch as the time of limita-
tiō apointed for shewing of writs
of right, & other writs of possessiō
& seasō of mens auncestors or pre-
decessors, or of their owne possessiō or seasō,
by ye laws & statuts of this realm heretofore

made, limitted and appointed | by. Mert cap. 8. W. 1. ca. 39. W. 2. ca. 2, 3. cap. 46. | extende & be of so farre and lōg time past, that it is aboue the remembraunce of anye liuing man, truely to trye & know the perfect certaintye of such things, as hath or shall come in trial or doe extende vnto the the time & times lymitted by the said lawes & statutes, to the great daunger of mens consciens, that haue or shall be impanelled in any Jurye for the tryall of the same: and also it is a great occasion of muche trouble, vexation and suits to the kinges louing subiectes, at the common lawes of this realme, so ỹ no man although he and his auncestours & those whose estate he or they haue, haue ben in peaceable possession of a long season, of & in lāds tenemēts & other hereditaments, is or cā be in any suerty, quietnes or rest, of & in the same, without a good remedy and reformatiō bee had, made and prouided for the same. Be it therfore enacted by the king our soueraign lorde the lordes spirituall and temporall, and the commons in this present parliament assembled, and by the auctheritie of the same, that no maner of persone or persones, shall from henceforth sue, haue or maintein, any writ of right, or make any prescription, title or clayme, to or for any manours, landes, tenementes, rentes, annuities, commons, pencions, porcions, corodies, or other hereditaments, of the possession of his or their auncestour or predecessour; and declare & allege

writte of right
Prescription

any

any further season or possessiō, of his or their auncestour or predecessour, but onely of the season or possession of his aūcestor or predecessor, which hath ben, or now is, or shalbee seased of the said manors, landes, tenements rents, annuities cōmons, pencions, porciōs corrodies or other hereditamentes, wythin three score yeres, next before the teste of the same writ, or next before the said prescriptiō title, or claime so hereafter to bee sued, commenced brought, made or had.

¶ And bee it further enacted by the auctheritie aforesaid, that no manner of persone nor persones, shall hereafter sue, haue, or maintaine any assise of mortdauncestor, cosinage, ayell, wryt [of] entrie vpon disseasō done to any of his auncestours or predecessors or any other action possessary, vpon the possessyon of any of his auncestours or predecessours, for any manors, lands, tenemēts or other hereditaments, of any further season or possession of his or their auncestour or predecessour, but onely of the seasō or possession of his or their auncestour or predecessour, which was, or hereafter shalbe seased of the same manors, lands, tenements or other hereditamēts, within fifty yeres next before the teste of ye original of the same writ hereafter to be brought.

¶ And be it further enacted, by ye auctheritie aforesaid, that no person nor persones, shal hereafter sue, haue or maintein, any action, for any manors, lāds, tenemēts or other heredita=

hereditaments, of or vpon his or their owne
seasō or possessiō therin, aboue thirty yeres,
next before the teste of the originall of ỹ same
writ hereafter to be brought.

¶ And be it also enacted by the auctho-
rity aforesaid that no person nor psons shal here-
after make any auowry or cognisance, for
any rent, suite or seruice, & alledge any seasō
of any rent, suit or seruice, in the same auow-
ry or cognisance, in the possession of hys or
their auncestours, or predecessour or prede-
cessours, or in his own possessiō, or in ỹ pos-
sessiō of any other, whose estate he shal pre-
tend or claime to haue, aboue forty yeares
next before the making of the said auowrye
or cognisance.

¶ And ouer that, be it enacted by the auc-
thozitie aforesaid, ỹ al formedones in reuer-
ter, formedones in remainder, & scire facias
vpon fines of any manors lands, tenements
or other hereditamēts at any time hereafter
to be sued, shalbe sued and taken within fif-
ty yeres next after the title & cause of action
fallen, and at no time after the sayde fyfty
yeres passed.

¶ And be it also enacted by auctho-
rity aforesaid, that if any personne or persons at
any time hereafter, do sue anye of the sayde
actions or writs, for any manours, landes,
tenements, or other hereditaments or make
any auowry, cognisance, prescription, title or
claime, of or for anye rent, suite, seruice, or
other hereditaments, and cā not prouе that
her

he or they, or his or their aūcestours or pre-
decessours, were in actual possession or sealō
of & in the same, manors, lands, tenements,
rentes, suites, seruices, annuities, cōmons,
pencions, porcions, corrodies or other here-
ditaments, at anye time or times within the
yeres before limyted & appoynted in this p̄-
sent act, & in manner & fourme as is afore-
said, if the same be trauersed or denied by ẏ
pty plaintif, demādant or auowāt, or by the
pty tenant or defendāt, ẏ then & after suche
trial therin had, al & euery such persone & p-
sons, & their heirs, shall from henceforth bee
vtterly barred for euer, of all and euery the
said writs, actions, auowries, consisance, p̄-
scription title and claime hereafter to be sued
had or made of and for the same mannours,
landes, tenements, hereditamentes or other
the premisses, or any part of the same for the
which the same action, writ, auowry, coni-
sance, prescription, title, or claime, hereafter
shalbe, at any time had sued or made. &c.

Certaine prouisions for those & their heires
who had actions &c. depēding or were then
in age, couert barō, impriſon or out of the
realme.

¶ Prouided furthermore, ẏ if any false ver-
dict happē hereafter to be geuē or made i any
of ẏ said actiōs, suites, auowries, p̄scriptiōs,
titles or claimes, ẏ then ẏ party greued by
reason of ẏ same, shal & may haue his attaint
vpō euery such verdict so geuē or made, & ẏ
plaintif in ẏ same attaint vpon iudgemt for
him geuen, shal haue his recouery, executiō

and

and other aduantage in like maner & forme as heretofore hath ben vsed & accustomed, any thing before in this acte conteined to the contrary therof notwithstanding.

¶ An acte for contentation of debts vpon executions. Anno. 32. H. 8. ca. 5.

¶ Executions.

WHer as before this time diuers & sundry persons, haue sued executions, as wel vpon iudgemēts, for thē geuen of their debts or damages, as vpon such statutes marchants, statutes of the staple, or recognisances, as haue ben to thē before made recognised & knowledged, & thercupon such lands, tenements, & other hereditaments, as were liable to the same executiō, haue bē by reasonable extent to thē deliuered in execution, for ỹ satisfaction of their said debtes & damages, according to the lawes of this realme. Neuertheles it hathe ben oftentymes sene, ỹ such lands, tenemēts & hereditamēts so deliuered & had in execution, haue ben recouered or lawfully deuested, taken away or euicted from the possession of the said recouerers, obligees, or recognisees, their executours or assignes, before suche time, as they haue ben fully satisfied & paied of their debts & damages, without any maner fraude, discept

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couin, collution, or other default in the sayde recouerers, obligees or recognisees, their executours & assignes, by reason whereof ỹ said recouerers, obligees, & recognisees, haue bē thereby set clerely without remedy, by anye maner suit of the law, to recouer or come by any such part or parcel of their said debts & damages, as was behind, & not by them leuied or receyued, before such time as ỹ said lands, tenements & other hereditaments, so by thē had in executiō, were recouered lawfully deuested, taken or euicted, out of & from their possessiōs, as is aforesaid to their great hurt & losse, and much seeming to be against equal iustice and good cōscience. For reformacion wherof be it enacted by auctheritye of this present parliament, that if hereafter any such lands, tenements or hereditaments as be or shalbe had & deliuered to any persō or persons in execution as is aforesaid, bpō any iust & lawfull title, matter, condicion or cause, wherwithall the said lands, tenemēts, & hereditaments were liable tied & bounde, at such time as they were deliuered & taken into execution, shal happen to be recouered, lawfully deuested, taken or euicted, out of, & frō the possession of any such person & persōs as now haue & hold, or hereafter shal haue & hold the same in execution as is aforesayde, without any fraud, desceipt, couin, collusion or other defaut, of the said tenant or tenants by execution, before such time as ỹ said tenāts by execution their executors or assignes shal haue fully & wholy leuied or receiued ỹ sayd

wholy

whole debt & damages, for ỹ which ỹ sayd lãds, tenemẽts & other hereditamẽts were deliuered & take̅ in execution, as is aforesaid, thẽ euery such recouerer, obligee, & recognisee, shal & may haue & pursue, a writ of scire facias out of ỹ same court, from whence the said former writ of executiõ did procede, against such pson or psons as the said writ of execution was first pursued, their heirs executours, or assignes, of such lãds, tenemẽts or hereditaments, as were or then liable or charged to ỹ said execution, returnable in to the same court, at a certain day, being full forty daies after the date of ỹ same writ. At which daye if the defendant being lawfully warned, make default, or appeare, & do not shew and plead a sufficient matter or cause, other then the acceptance of the said lands, tenements, & hereditamẽts by the said former writ of executiõ) to barre, auoid or discharge the said suit for ỹ residue of the said debt, & damages, remaining vnleuied or vnrecciued by the said former execution: then the lorde chaunceilour, or other such iustice or iustices, before whom suche writ of scire facias shalbe returnable, shal make estsones a new writ or writs out of the said former recorde of iudgement, statut merchant, statut staple or recognisance, of like nature & effect, as ỹ said former writ of execution was for ỹ leuying of ỹ residue of all such debt & damage as then shal appeare to be vnleuied, vnsatisfied or vnpaid of the whole summe or summes in the said former writ of execution cõteyned.

teyned, Any lawe, custome, or other thing to to the contrary hereof heretofore vsed in any wise notwithstanding.

¶ An act for the true payment of tythes & offrings, Anno. 32, H. 8. Cap. 7.

¶ Tythes. 8.

VVHere diuers and many persons inhabiting in sundry cõties & places of this realme, & other ẏ kings dominions, not regarding their dueties to almighty God, & to the king our soueraigne lord, but in fewe peres past more cõtemptuously & comunlỹ presuming to offend & infring the good & holsome lawes of this realme, & gratious cõmaundemẽtsof our sayde soueraigne lorde, then in times past hath bẽ seme or knowen, haue not letted to subtract & withdraw ẏ lawful & accustomed tithes of corns, hay pasturages, & other sort of tithes & obliations cõmonly due to the owners proprietaries, & possessours of the personages. vicarages, & other ecclesiastical places, of & in the said realme & dominions, beyng the more encouraged therto for that ẏ diuers of the kings subiects beeng lay psones, hauing psonages, vicarages, & tithes to them & to their heirs, or to thẽ & to their heirs of their bodies lawfully begotten, or for terme of life or yeares, can not by the order and course of the ecclesiasticall lawes of thys realme, sue

in

in any ecclesiasticall court for the wrongful withholding & deteining of the said tithes or other duties, nor can not by the order of the common lawes of this realme haue any due remedy against any person or persons their heires or assignes, that wrongfullye deteyneth or withholdeth the same, by occasion whereof much controuersie, suite, variance, and discorde is like to insurge and ensue among the kinges subiectes, to the great detriment, damage and decay of many of them if conuenient and spedy remedy therefore be not had and prouided.

¶ Wherefore it is ordeined & enacted by our said soueraign lord ye king, wt the assent of ye lords spiritual & temporal & the commōs in this present parliament assembled & by aucthoritie of the same, that all and singuler persones of this his saide realme, or other his dominions, of what estate, degree or cōdicion soeuer he or they be, shall fully, truely & effectually deuide, set out yeld or pay, all & singuler tithes, & offerings aforesaid, according to ye lawfull customes & vsages of the parishes & places where such tithes or duties shal growe, arise, come or be due. And in case ye |it| shall happen any persone or persōs of his or their vngodly & peruerse will and mind, to deteigne or wthold any of ye said tithes or offrings or part or ꝑcel therof, thē ye parsō or party being ecclesiastical or lay ꝑsō, hauing cause to demād or haue ye said tithes or offrings, being therby wrōged or greeued

shall

shal & may conuent the ꝑson or persons so offending before the ordinarie, his cõmissary or other cõpetent minister, or leful iudge of ꝯ place where suche wronge shal be done, according to the ecclesiasticall lawes. And in euerye suche case of matter or suit, the same ordinary commissarie or other competent minister or leful iudge, hauinge the partyes or their lawfull procuratours before hym or them, shall and maye by vertue of this acte procede to the examinacion, hearing and determinacion of euerye suche cause or matter ordinarily or summarilye, accordinge to the course and proces of the saide ecclesiasticall lawes, and thereupon may geue sentence accordingly. And in case that any of the parties, for any cause or matter concerning that suite, do appeale from the sentence order, and diffinitiue iudgement of the said ordinarye, or other competent Judge, as is aforesaide, then the same Judge by vertue of this acte forthwith vpon such appellacion made, shall adiudge to the other partye the reasonable costes of his suite therin before expended, & shall compell the same party appellant to satisfie and pay the same costes so adiudged by compulsory proceſſe, and censures of the said lawes ecclesiasticall takinge suerty of the other party to whom such costes shalbe adiudged and paide, to restore the same costes to the partye appellant, if after the principall cause of that suit of appeale shalbe adiudged againste the same party, to whom the sayde

costes shalbe yelden. And so euery ordinarye or other competent iudge ecclesiasticall, by vertue of this acte shall aiudge costes to the other partie vpon euery appeale to be made in any suit or cause of subtraction or detention of anye tithes or offeringes or in anye other suite to be made for or concerning the duity of such tithes or offeringes.

¶ And further be it enacted by the aucthoritie aforesaide, that if anye persone or persons after suthe sentence diffinitiue geuen againste them, obstinatelye and wilfullye refuse for to paye their tithes or duities, or suche summes of money so adiudged, wherin they bee condempned for the same, that than two Justices of the peace of the same shire, whereof one to bee of the Quorum, shall haue aucthoritie by this acte, vpon informacion, certificate, or complaint to them made in writinge by the sayde ecclesiastycall Judge that gaue the same sentence, to cause the same partye so refusinge, to bee attached, and committed to the nexte gaole, and there to remayne without bayle or mayneprise, till he or they shall haue founde sufficient suerties to bee bounde by recognysaunce or otherwise before the same Justices, to the vse of our souerayne Lorde the kinge, to performe the saide diffinitiue sentence and iudgement.

¶ Prouided alwaies and be it enacted by thaucthoritye aforesaide that no persone or persones shalbe sued, or otherwise compelled

to

yelde, geue or pay any maner of tythes, for any manours, landes, tenementes, or hereditamentes, which by lawes or statutes, of this Realme are discharged, or not chargeable with ỹ paiment of any such tithes | vide m. 31. H. 8. ca. 13. Monasteries 11. in fine.]

Prouided also and be it enacted by auctoritie aforesaide, that this acte nor anye thing therin contained, shall in anywise binde thinhabitantes of the Citye of London and suburbes of the same, for to pay their tithes & offeringes w̄in the same city and suburbes otherwise then they oughte or shoulde haue done before ỹ making of this acte, any thing in this act conteined to ỹ contrary not w̄stãding. And be it further enacted by auctho rite aforesaid, that in al cases where any person or personnes, which now haue or whiche hereafter shall haue any estate of inheritãce freehold, terme, right, or interest, of in or to any personage, vicarage, porcion, pẽsion, tithes oblacions, or other ecclesiastical or spirituall profite, which nowe be, or whiche hereafter shall be made temporall, or admitted to be a nexe and go to or in temporall handes & layes and profites by the lawe or statutes of this Realme, shal hereafter fortune to be dissesed, deforced, wronged, or otherwise kepte or put from their lawfull inheritance estate, seison, possession, occupacions, terme, right, or interest, of in or to the same, or of in | or | to anye parcell there of by anye other persone or personnes, claminge or pretendinge to

haue interest or title in or to the same, that then in all and euery such case or cases the person or persones so disseised, deforced or wrongfully kept or put from his or their right or possession, as is afore rehersed, their heires, wiues and such other, to whom such iniury/or/wronge shal be done or committed shal and may haue their remedie in the kings tempozall courtes or other tempozall courts as the case shal require, for the recouery getting or obtaining of such inheritaunce, estate freeholde, seison, possession, terme, righte, or interest, by writes original of Pzecipe quod reddat, Alß of nouel disseison, Mozt dauncē, Quod ei deforceat, writes of dower, or other writes originall, as the case shal require, to be deuised and graunted in the kinges court of Chauncery, of euery such personage, vicarage, pozcion, pension, or other pzofite called ecclesiasticall or spirituall, so to bee demaunded accozdinge to the nature and cause of the suite therof, in like maner and fourme as they should, ought, or might, haue had, of or for landes, tenementes or other hereditamentes, in suche maner to bee demaunded. And that writes of couenaunt and other writes for fines to be leuied, and al other assurances to be had made or conueied of anye such personage, vicarage, pozcion, pension, or other pzofite called ecclesiasticall or spiritual, as is afore said, shall bee hereafter deuised & graunted in the sayd Chauncery, accozding as hath bene vsed for fines, to be leuied, and

assurance

assurance to be had made or conueied of landes, tenements, or other hereditaments. And that al iudgementes to be geuen vpon anye of the saide writes originall so to be deuised or graunted of or for any the premisses or anye of them: and all fines to bee leuied and knowledged in any of the kinges said courts thereof shal be of like force and effect in the lawe, to all intentes and purposes, as iudgementes geuen and fines leuied of landes, tenementes, and hereditamentes in the same courtes vpon writs originall therefore duely pursued and prosecuted, albeit no suche fourme of writes originall out of the sayde courte of Chauncery haue heretofore proceded or bene awarded.

¶ Prouided alwaies, that this laste acte shall not extende nor bee expounded, to geue anye remedye cause of accion or suit in the courtes temporall against any person or persones, whiche shal refuse or denye to set out his or their tithes, or whiche shall deteyne, withholde, or refuse, to paye his tythes, and offeringes, or any parcell thereof, but that in all such cases the person or partye beinge ecclesiasticall or lay persone, hauinge cause to demaunde or to haue the saide tithes, or offeringes, and thereby wronged or greued, shall take and haue their remedye for their saide tithes and offeringes, in euery such cas in the spirituall courtes, accordinge to the ordinaunce in the first part of this acte mencioned, and not otherwise. Anye thinge

herein expreſſed to the contrary thereof notwithſtanding.

¶ An acte againſte maintenance, embracery. &c. and againſt vnlawfull buying of titles. Añ 32. H. 8. Cap. 9.

¶ Maintenance. 7.

THe King our ſoueraigne lord calinge to his moſte bleſſed remembrance, that ther is nothing within this Realme that conſerueth hys louing ſubiectes in more quietnes, reſt, peace and good concord, than the due and iuſte miniſtracion of his lawes, and the true and indifferent trials, of ſuch titles and iſſues as bene to bee tried, accordinge to the lawes of this Realme, which his moſt Roial maieſtie perceiueth to bee greatly hindered and letted, by maintenance, embracery, champertie, ſubornacion of witneſſes, ſiniſter labour buyinge of titles, and pretenced rightes, of perſones not being in poſſeſſion, whereupon great periury hath enſued, and much inquietnes, oppreſſion, veracion, trouble, wronges, and diſenheritaunce hathe folowed among his moſt louing ſubiectes, to the great diſpleaſure of almighty God, the diſcontentacion of his maieſtye, and to the great hinderaunce and let of Iuſtice within this his Realme. For the auoiding of all which miſdemeanours and buyinge of titles and pre-

tenced

tenced rightes, and to the intent that Justice may be moze fullye and indifferently minis-tred, and the truthe in causes of contencion plainely tried, betwene his subiectes of thys Realme. Be it enacted by our said Soue-raigne Lozde, with the assent of the Lozdes spirituall and tempozall, and the commons in this pzesent parliament assembled, and by auctho3itie of the same, that from hence-fo3th all statutes heretofoze made, concerninge maintenaunce, champerty, and embzacerye, o3 anye of them, now standinge and beinge in their full strength and foze, shalbe put in due execucion, accozding to the tenures and effectes of the same statutes.

¶ And ouer that be it further enacted, by the auctho3itie afozelaide, that no person no3 persons, of what estate, degree, o3 condicion soeuer he o3 they be, shal from hencefo3the, bargain, buy o3 sell, o3 by any waies o3 meanes obtaine, get, o3 haue, any pzetensed rights o3 titles, o3 take, pzomise, graunt, o3 couenaunt, to haue any right o3 title, of any person o3 persons, in o3 to any manours, lands, tenementes, o3 hereditamentes, but if suche person o3 persons, which shal so bargain, sell geue, graunt, couenant, o3 pzomise the same, their antecessours o3 they by whom he o3 they claime the same haue bene in possession of the same, o3 of the reuersion o3 remain-der thereof, o3 taken the rentes o3 pzo-fites thereof, by the space of one whole yere nexte befoze the sayde bargaine, couenaunte

graunte, or promise made, vpon paine that he that shall make anye suche bargaine, sale, promise, couenant, or graunt, to forfaite the whole value of the landes, tenementes, or hereditamentes so bargained, sold, promised, couenaunted, or graunted, contrarye to the fourme of this acte. And the buyer or taker therof, knowing the same, to forfait also, the value of the saide landes, tenementes, or hereditamentes so by him bought, or taken, as is aboue saide. Thone halfe of the saide forfaitures to be to the king our souerayne Lorde, and the other halfe to the partye that will sue for the same, in anye of the kinges courts of recorde, by accion of debt, bil, plaint or informacion. In which accion, bil, plaint, or informacion no essoine, protection, wager of law, nor iniunction shall be allowed.

And furthermore, that no maner of person or persons, of what estate, degree, or condicion soeuer he or they bee, do hereafter, vnlawfully maintaine, or cause, or procure, any vnlawfull maintenaunce, in any accion, demaunde, suite, or complaint, in anye of the kinges courtes of the Chauncery, the sterre Chamber, White halle, or els where, within any of the kinges dominions of England or Wales, or the marches of the same, where any person or persons haue, or hereafter shal haue, auctoritie by vertue of the kings commission, patent, or writ, to holde plee of landes, or to examine, here, or determine, any title of landes, or anye matter or witnesses,

concer-

cerning the title, right, or interest of any landes tenementes, or hereditamentes. And also that no person or persons, of what estate, degree, or condicion so euer he or they be, do hereafter vnlawfully reteine for maintenāce of any suit or plee, any persone or persones or embrace any freeholders or iurrours, or inborne any witnes by letters, rewardes, promises or by any other sinister, labour or meanes, for to maintein any matter or cause or to the disturbance or hinderance of iustice or to the procurement or occasion of any maner of periury by false verdict, or otherwise, in any maner of courts aforesaide, vpon pein of forfaitur of euery such offence x.li. Thone moity therof vnto the kinge our soueraigne Lord, and the other moity to him that wyll sue for the same by accion of debt, bil, plaint or informacion, in any the kinges courtes, in which accion, no essoine, proteccion, wager of lawe nor iniunction shalbe allowed.

¶ Prouided alway, and be it enacted by the auctoritie aforesaide, that it shalbe lawfull to any person or persones, beinge in lawfull possession by taking of the yerely ferme, rentes or profites, of or for any manours, landes tenementes, or hereditamentes, to buy, obtaine, get or haue, by any reasonable waye or meanes the pretensed right, or title, of anye other person or persons, hereafter to be made to of or in such manours, landes, tenementes or hereditamentes, whereof he or they shall so bee in lawfull possession: anye thinge in this

this acte conteined to the contrary notwithstanding.

¶ And for the due execucion of this present acte, be it further enacted by aucthoritie abouesaide, that the Justices of assise of euerye circuite within this realme and els wher within the kinges dominions, shall in euery county within their circuites, two times in the yere, that is to say, in the time of their sittinges, for the taking of assises or deliuerye of the gaoles, cause open proclamacion to be made, aswell of this present acte, and of euery thing therin contained, as also of al other statutes heretofore made, against vnlawfull maintenaunce, champerty, embracery, or vnlawful reteinours, to thentent that no maner of person or persons, hearing the same should be ignorant or miscognisant, of the daungers and penalties therein contained and specified.

¶ Prouided alway, and be it enacted by the aucthoritie aforesaid, that this acte shall not extende to charge any person or persones with any of the penalties mencioned in the said acte, for any offence by him or them committed, contrary to the said acte, except the same person or persones so offending be sued therof by accion of debt, bil, plaint, or informacion in any of the kinges courtes within one yere next after the same offence by hym or them committed as is aforesaide.

¶ An

¶An acte that lessees shal enioy their fermes against tenants in taile, or in the right of their wiues, or churches.
&c. an. 32. H. 8.
Cap. 28.

¶Leases. 2.

BE it ordeined established and enacted by the king of our Soueraigne lorde, the lordes spirituall and temporall, and the cōmons in this presēt parliamēt assembled, and by auctority of the same, that all leases hereafter to be made of any manours, landes, tenements, or other hereditamentes, by writing indented, vnder seale, for terme of yeres, or for terme of life, by any persone or persones, beinge of ful age of one and twentye yeres, hauinge any estate of inheritaunce either in fee simple, or in fee tayle, in their owne righte, or in the righte of their churches or wiues, or iointly with their wiues, of anye estate of inheritaunce made before the couerture or after, shall be good and effectuall in the lawe, against the lessours, their wiues, heires and successours, and euery of them, accordinge to such estate as is compriſed and specified in euerye such indenture of lease, in like maner and fourme as the same should haue bene, if the lessours thereof, and euery of them, at the tyme of the makinge of suche leasses had ben lawe-

lawfully sealed of the same landes, tenemẽts and hereditamentes compryſed in ſuch indẽture, of a good perfect and pure eſtate of fee ſimple therof to their owne onely vſes.

¶ Prouided alwaie, that this acte nor any thing therin contained, ſhall not extende to any leaſes to be made of any manours, landes, tenementes, or hereditamentes, beinge in the handes of any fermour, or fermours, by vertue of any olde leaſe, vnleſſe the ſame olde leaſe be expired, ſurrendred, or ended, within one yere next after the making of the ſaid new leaſe, nor ſhal extende to any graũt to be made of any reuercion, of any manours landes, tenementes, or hereditamentes, nor to any leaſe of anye manours, landes, tenementes, or hereditamentes, which haue not moſte commonlye ben letten to ferme, or occupied by the fermours therof, by the ſpace of xx. yeres nexte before ſuche leaſe thereof made, nor to anye leaſe to bee made, without empeachement of waſt, nor to anye leaſe to be made aboue the number of one & twenty yeres, or thꝛee liues at the moſte, from the daye of making therof. And that vpon euery ſuch leaſe there be reſerued, yerely during the ſame leaſe due & payable, to the leaſſours their heires and ſucceſſours, to whom the ſame landes ſhoulde haue commen after the deathes of the leſſours, if no ſuche leaſe had bene thereof made, and to whome the reuerſion thereof, ſhall appertaine, accordinge to their eſtates and intereſtes, ſo muche yerely

ferme

ferme or rent, or more, as hath bene moste accustomably yelden or paid, for the manors landes, tenementes, and hereditamentes, so to be letten, within xx. yeres next before such lease thereof made, and that euery such person and persones, to whom the reuersion, of such manours, landes, tenementes, or hereditamentes, so to be letten, shal appertaine, as is aforesaide, after the deathes of suche lessours or their heires, shal and may haue such like remedie and auauntage, to all intentes and purposes, againste the lessees thereof, their executours and assignes, as the same lessour should or might haue had, againste the same leassees. So that if the lessour were seised of any especial estate taile of the same hereditamentes, at the time of suche lease, that the issue or heire of that especial estate, shal haue the reuersion, rentes, and seruices reserued vpon such lease, after the death of the said lessour, as the lessour him selfe might or ought to haue had, if he had liued.

Prouided alway, that the wife be made partie, to euery such lease, whiche hereafter shal be made | by | her husbande, of anye manours, landes, tenementes, or hereditamentes, being the inheritaunce of the wife, and that euery such lease, be made by indenture in the name of the husbande and his wyfe, and she to seale to the same. And that the ferme and rent bee reserued to the husbande and to the wife, and to the heires of the wife according to her estate of inheritaunce in the same.

same. And that the husband shal not in anye wise alien, discharge, graunt, or geue awaye the same rent reserued, nor any part thereof longer than during the couerture, without it bee by fine leuied by the saide husbande and wife: But that the same rent shall remaine, discende, reuert, or come after the death of such husbande, vnto suche person or persones, and their heires in such maner and sorte, as the landes so seised should haue done if no such lease had therof bene made.

¶ Prouided also, that this acte extende not to geue any liberty or power to any person or persons to take any mo fermes, leases, or takinges, of any manours, landes, tenementes or other hereditamentes, than he or they should or might lawfully haue done, before the makinge of this acte. | The the statute made 25. H. 8. ca. 13. shepe 2 | nor extende to geue any liberty or power to any persone or vicar, of any church or vicarage, for to make any lease or graunt of any their messuages, landes, tenementes, tithes, profites, or hereditamentes, belonginge to their churches or vicarages, otherwise or in anye maner then they shoulde or might haue done before the making of this acte, any thing conteined in this acte to the contrary notwithstanding.

¶ And furthermore be it enacted by auctho ritie aforesaide, that all leases at anye tyme within the space of three peres nexte before the xj. daie of Aprill, and in the xxxi. yere of our soueraigne lorde the kinges raigne, made

by

by writinge endented, vnder seale, by anye person or persones of full age, of whole memorie, not vnlawfully coarcted, nor beinge couert baron, for terme of yeres, of any mannours, landes, tenementes, or other hereditamentes, whereof the lessour or lessours were seised of any estate of inheritaunce, of and in the same to their owne onely vse at the time of makinge anye suche lease therof: and wherof the leasees their executours and assignes, be now in possession by vertue of the same lease, and no cause of recntrie or forfaiture therof had or made, shal be good and effectuall in the lawe, againste the lessours their heires and successours, and the heyres and successours of euery of them, accordinge to the couenaunttes, articles, and agreementes specified in euery such indenture of lease So alwaies there be reserued and yerely payable, during the same lease, to the sayd lessors their heirs or successors, or to such other as should or ought to haue had the same mannours, landes, tenementes, or hereditaments so leased, after the deceasse of suche lessours, in case no such lease had thereof bene made, as much yerely rent for the same, as was at any time therfore yelden or paide within xx. yeres nexte before the makinge of any such lease, or els suche leases to bee of no other force ne effect then they were before the making of this present acte.

¶ And moreouer for certaine consideracions, be it enacted by aucthoritye afore sayd, that

that no fine feoffement or other acte or actes hereafter to be made, suffered or done, by the husband onely, of any manours, landes, tenementes, or hereditamentes, being the inheritaunce or freeholde of his wife, during the couerture betwene them, shal in any wise be or make any discontinuance therof, or be prudiciall or hurtful to the said wife, or to her heires or to such as shal haue right, title, or interest to the same by the death of such wife or wiues. But that the same wife or her heires, and such other to whom such right shall appertaine, after her decease, shall and may then lawfully enter into all suche manours, landes, tenementes, and hereditamentes, according to their rightes, and titles therin, anye such fine feoffement or other acte to the contrary notwithstandinge, fines leuied by the husband and wife (whereunto the sayde wife is party and priuy) onely except.

¶ Prouided furthermore, that this clause or acte, extende not to geue any liberty to anye such wife, or to her heires, for to auoide any lease hereafter to be made of any thenheritaunce of the wife by her husbande and her for terme of xxi yeres, or vnder, or anye her inheritaunce for terme of three liues at the vttermost, whereupon as much yerely rent or more is or shall bee reserued, & yerely payable during the same lease, as was at any time therfore yelde or payed within xx. yeres, next before the making of any such lease, according to the tenour of this presente acte

any

any thing therein conteined to the contrary notwithstanding.

Prouided also, that this act extend not to make good anye lease or leases, heretofore made, by any ecclesiasticall person or persõs by their couent or common seale, whiche be made void or taken away, by auctoritie of any act of parliament heretofore made, nor extende to make good any lease or leases, heretofore made by any ecclesiastical person or persons nowe being attainted of treason, vnder their couent seale or otherwise, or by any other person or persons now beinge attainted of treason by act of parliamẽt or otherwise: But that all & singuler such lease and leases & euery of them now made or hereafter to be made, shalbe of suche like effect and strength in the law & none other as they and euery of them were before ỹ making of thys act: any thing before mencioned in this acte to the contrary therof notwithstanding.

¶ An acte concerning mispleading, ieofayles & attourneis. H. 8. Cap. 30.

¶ Repleader. 1.

FRom henceforth if any issu be tryed by the othe of twelue or mo indifferent men for the party plaintife or demaundãt or for the party of the tenant or defendant, in any maner of

accion or suite at the common lawe of thys realme, in any the kinges courtes of recorde that then the Justice & Justices by whom iudgem̄t thereof ought to be geuen, shal procede and geue iudgement in the same, anye mispleading, lacke of colour, insufficiēt pleading, or ieofayle, any miscontinuance or dyscōtinuāce or miscōueying of ꝓcesse misioyning of ẏ issu, lack of warrāt of atturney of ẏ party against whom the same issue shal happen to be tried, or any other default or negligence of any of the parties, their counsellors or attourneys, had or made to the contrarye notwithstanding. And the sayd iudgements thereof so to be had and geuen shall stand in full strength and force, to all intentes & purposes, according to the saide verdict, without any reuersell or vndooing of the same by wryt of errour or of false iudgement in like fourme as thoughe no suche defaulte or neglygence had neuer ben had or committed.

¶ Prouided alway and be it enacted by the aucthority aforesayde, in auoydinge of errours and other great incōueniences, that daylye do fortune to rise and growe in the kynges courtes of recorde at westminster, through the neglygence of attourneys, because they delyuer not their warrantes of attourney in such accions and suites, wherin they be named attourney, accordynge to the lawes of thys realme, that all and euery suche personne and personnes, which shal fortune hereafter to bee attourney to or for any

any other personne or personnes, beyng demaundant or playntife, tenant or defendãt in any accion or suite, at anye time hereafter commenced or taken in any of the kings sayde courtes, and pleade to any issue in the same accion or suite: That then the same attourneys and euerye of them from time to tyme, shall deliuer or cause to bee delyuered his or their sufficient and lawfull warrant of attourney, to bee entred of recorde for euery of the saide actions or suites, wherein they be named attourneys, to the officer or his deputie, ordeined for the receipt and enrolling thereof, in the same terme when the sayde issue is entered of recorde in the sayde courte, or afore, vpon payne of forfaytynge vnto our sayde soueraygne lorde ten pounds sterling for euery defaut for none delyuering of the sayde warrant of attourney. And also further to suffer suche imprisonment as by the discretion of the iustyces of the court for the time being, where any suche default shal fortune to be had or made, shalbee thought conuenient: This present act with the proviso to endure till the laste day of the next parliament | This was continued Anno. 33. H. 8. ca. 17. & An. 37. H. 8. cap. 23. & Anno 2. E. 6. ca. 32. it was made perpetuall.

Partition.

¶ An acte concerning iointenants for terme of life or yeres. Anno 32. H. 8. Cap. 32.

¶ Partition. 4.

FOrasmuche as in the parliam̃t begonne at west̃m the eyght & twenty day of Apryll, & there continued till the .xxviij. daye of Iune the .xxxi. yere of ỹ kings most noble & victorious reigne that now is. It was amongst other thinges ther enacted and established, that all iointenants and tenants in common, that then were or hereafter should be of any estate or estates of inheritance in their owne rightes or in the right of their wiues, of any manors lands, tenements, or hereditaments within this realme of Englande, Wales or marches of the same, shal & may be coacted and compelled by vertue of the said act to make partic̃ betwene them of all such manours, lands, tenements and hereditaments as they then held or here after should holde as iointenants or tenãts in common, as more plainly at large appeareth by the said statute. And forasmuche as the saide estatute doth not extende to ioyntenantes and tenants in common for terme of lyfe or yeres, nother to ioyntenaunts and tenants in common, where one or some of them haue but a particuler estate for terme of lyfe or yeres, and the other haue estate or estates

. ioint̃ ea fuer̃ put pleñ hered̃ vel rem̃ on le bc & ... ỹ A Bterme &c Dier nec ... fuit. H Bterm & ... 179. a.

eſtates of inheritance, of and in any manors lands, tenements and hereditaments. Be it therefore enacted by the kyng our ſoueraign lord, and by thaſſent of the lordes ſpirituall and temporal, and the commons in this preſent parliament aſſembled, and by the auctorite of the ſame, that all iointenants and tenants in common, and euery of thē, which now hold, or hereafter ſhall holde, iointly or in common, for terme of life, pere or peres, or iointenants or tenants in common, wher one or ſome of thē, haue or ſhall haue eſtate or eſtates, for terme of lyfe or peres, with ỹ other, ỹ haue or ſhall haue, eſtate or eſtates, of inheritāce or freholde, in any manors, lāds, tenements or hereditaments, ſhall and may be compellable from henceforthe, by writ of partition, to be purſued out of ỹ kings court of chancery vpon his or their caſe or caſes, to make ſeuerance and partition, of all ſuche manours, landes, tenementes and hereditaments, whiche they holde ioyntly or in common, for terme of life or lifes pere or peres, where one or ſome of them hold iointly or in common for term̄ of life or peres & other, or that haue an eſtate or eſtates of inheritance or freholde.

¶ Prouided alway and be it enacted that no ſuch partition nor ſeuerance hereafter to be made, by force of this acte, be nor ſhalbee preiudicial or hurtfull, to any perſon or perſons, their heirs or ſucceſſours, or other, thē ſuch which be parties vnto the ſaid partitiō

their executours or aſſignes.

¶ That the dying ſeaſed of a wrongfull diſſeiſour is no diſſent in the lawe. 32. H. 8. Cap. 33.

¶ Entre lawfull. 2.

WHere diuers perſons, of their inſaciable myndes, haue hertofore by ſtrēgth & without title, entered, into manours, lands, tenements and other hereditamentes, and wrongfully diſſeaſed ŷ rightful owners and poſſeſſours therof, and ſo being ſeaſed by diſſeiſin, haue thereof dyed ſeaſed, by reaſon of which dying ſeaſed, that diſſeiſie or ſuche other perſonnes as before ſuche diſcent might haue lawfully entred, into the ſaide manours, lands and tenements, were and be thereby clerely excluded of their entre into the ſaid manours, lands and tenemēts and put to their accion for their remedy and recouery therin, to their great coſtes & charges. For reformation whereof be it enacted by the auctoritie of this preſent parliament that the dying ſeaſed hereafter, of anye ſuch diſſeaſour, of or in, any manours, lands, tenements or other hereditaments, hauing no right or title therin, ſhal not be taken or demed, from henceforthe, any ſuche diſcent in the lawe, for to tolle or take away, the entre of any

of any ſuche perſonne or perſonnes, or their heires which at the time of the ſame diſcent had good and lawfull title of entre, into the ſaid manours, landes, tenements or hereditaments, except that ſuch diſſeaſour, hathe had the peaſible poſſeſſion, of ſuche manours landes, tenements or hereditaments wherof he ſhal ſo die ſeaſed, by ỹ ſpace of, v. yeres next after the diſſeaſin therein by him committed, without entre or continuall claime, by or of ſuch perſon or perſons as haue lawfull title thereunto.

¶An act cõcerning grauntees of reuerſions to take auauntage of the condicions to be performed by the leaſſee. Anno .32.H.8.cap.34.

¶Condicion. I.

WHer before this time, diuers as wel tempozall as eccleſiaſtiall and religious perſonnes, haue made ſundry leaſes, demiſes and graũtes to diuers other perſons, of ſundry manours, lozdſhips, fermes, meaſes, landes, tenementes, medowes paſtures or other hereditamẽtes, foz terme of life or liues, or foz term̃ of yeres, by writyng vnder their ſeal or ſeals, cõcerning alias cõteinig certain cõdiciõs couenãts & agremẽts. to be perfozmed as wel on ỹ part & behalfe, of ỹ ſaid leaſſees & grãtees, their executours and aſſignes, as on the behalfe of the ſayde

leſſours and grauntours, their heires & ſucceſſours, And forasmuch as by the common lawe of this realme, no ſtranger, to any couenant, accion, or condicion ſhall take anye aduantage or benefite of the ſame, by anye meanes or waies in the lawe, but onely ſuch as be parties or priuies theruunto, by ỹ reaſõ wherof, as well all grauntees of reuerſiõs, as alſo all grauntees & patentees of ỹ kyng our ſouereigne lord, of ſundry manors, lordſhips, granges, fermes, meaſes, lands tenements medowes, paſtures, or other hereditamentes, late belonging to monaſteries and other religious and eccleſiaſtical houſes, diſſolued, ſuppreſſed, renounced, relinquiſhed, forfaited, geuen vp, or by other meanes come to the handes and poſſeſſion of ỹ kings maieſty, ſince the fowerth day of February, the xxviij. yere of his moſt noble raigne be excluded, to haue any entre or action, againſt the ſaid leaſſees and graũtees, their executours or aſſignes, which the leſſors, before ỹ time, mought by the law haue had, againſt ỹ ſame leaſſees, for the breach of any cõdicion couenant or vngreement, compriſed in the indentures of their ſaid leaſes, dimiſes & graũts. Be it further enacted, by the king our ſouereigne lord, the lordes ſpiritual & temporal, and the commons in this preſent parliament aſſembled, and by auctheritie of the ſame, ỹ as well all & euery perſon & perſõs, & bodies politike, their heires ſucceſſours & aſſignes, which haue or ſhal haue, any gift or graũt of

our

our said soueraigne lorde by his letters pa-
tents, of any lordshipps, manors, lands, tene-
ments, rents, personages, tithes, pozcions oz
any other hereditaments, oz of any reuersiō
oz reuersions of the same, whiche did belong
& appertain to any of the said monasteries, &
other religious & ecclesiastical houses, dis-
solued, suppzessed, relinquished, forfaited oz
by any other meanes come to ỹ kings hāds
since the said fowerth day of Febzuarye the
xxvij. yere of his most noble reigne, oz which
at any time heretofore, did belong oz apper-
taine to any other person oz persons, & after
came to the hands of our said soueraign lord
as also al other persons, being grauntees oz
assignees, to oz by our said soueraigne lorde
the king, oz to oz by any other person oz per-
sons, then the kings highnes, & the heires,
executours, successours & assignes of euerye
of them, shall and may haue & enioy like ad-
uantage against the leassees, their executors
administratours and assignes, by entre foz
none paymt of the rent, oz foz doing of wast,
oz other forfaiture: & also shall & maye haue
& enioy all & euery such like, & the same ad-
uantage, benefite, & remedies by accion only
foz not perfourming other condicions, coue-
nants oz agreementes conteined & expzessed
in the indentures of their said leases, dimi-
ses, oz grauntes, against all and euery ỹ said
leassees & fermours, and graūtīes, their exe-
cutours, administratours and assignes, as
the saide leassours oz graūtours themselues

oz

or their heires or succeſſours, ought, ſhould or might haue had and enioyed, at anye time or times, in like manner and fourme as if ye reuerſion of ſuche landes, tenementes or hereditaments, had not come to the handes, of our ſaid ſoueraigne lord, or as our ſaide ſoueraigne lorde his heires and ſucceſſours ſhould or might haue had and enioyed, in certaine caſes by vertue of the acte made at the firſt ſeſſion of this preſent parliament if no ſuch graūt by letters patēts had bē made by his highnes. | Se Anno. 31. H. 8. ca. 13.

¶ Moreouer be it enacted by aucthoritye aforeſaid, that all fermors, leaſſees & graūtees, of lordſhips, manors, lands, tenements rents perſonages, tithes, porcions, or anye other hereditaments for terme of yeres, life or liues, their executours, adminiſtratours, & aſſignes, ſhal & may haue like action, aduauntage & remedy, againſt all & euery perſon & perſons & bodies politike, their heires ſucceſſours and aſſignes, which haue or ſhal haue any gift or graunt of the king our ſoueraigne lorde, or of any other perſon or pſons of the reuerſion of the ſame manours, lands, tenements and other hereditaments ſo letten, or any parcell therof, for any condicion, couenaunt or agreement, cōteined or expreſſed in the indentures of their leaſe and leaſſes, as the ſame leaſſees or any of them, might and ſhould haue had againſt the layd leaſſours and graūtours, their heirs or ſucceſſours, all benefyts and aduauntages, of recoue=

recouerics in value. by reason of any warranty in deede, or law by voucher, or otherwise, onely excepted,

Prouided alwaies that this act nor any thing or things therein contained, shall extende to hinder or charge any personne or personnes, for the breache of any couenant or condicion, comprised in any such writing as is aforesaid, but for such couenants and condicions as shalbe broken or not performed, after the first day of September next comming, & not before, any thing before in thys acte conteined to the contrarye thereof notwithstandyng.

Fynes.

¶ An act for the exposition of the statute of fynes, Anno. 32. H. 8 Cap. 36.

¶ Fynes. 9.

FOr as muche as in the fowerthe yere of the raigne of the late kyng of famous memory kyng Henrye the seuenth father of oure moste dreade soueraigne lorde the king that nowe is, videlicet 4. H. 7. capitulo. 24. it was among manye good and sundry statutes and ordynaunces then made for the common wealth, enacted, ordeined and established. the forme & maner how fines shoulde bee leuied with proclamacions, in the kings court, bee

fore

for his iuſtices of his common place, & that ſuch fines with proclamations, ſo had and made, to the intent to void al ſtrifes, and debates, ſhould be a final end & conclude, aſwel prinies as ſtraungers to the ſame, certayne perſons excepted & ſaued, as in the ſame eſtatute more plainly appeareth ſythen which time by diuerſitie of interpretation and expounding of the ſame eſtatute, it hath ben, & yet is by ſome maner of perſons doubted & called in queſtion, whether fines with proclamations, leuied or to be leuied before the ſaid iuſtices, by any perſō or perſōs, hauing or claiming to haue, in any manours, lands, tenements, hereditaments compriſed in the ſame fine, in poſſeſſion, reuercion, remainder or in vſe, any maner of eſtate, taile, ſhoulde immediately after ỹ ſaid fine leuied ēgroſſed & proclamation made, binde ỹ right heire & heirs, of ſuch tenant in taile, & euery other pſon & plōs ſeiſed, or claiming to their vſe or vſes | Se P. 19. H 8. caſe. 5 | by occaſiō wher of diuers debates, cōtrouerſies, ſuits & troubles haue ben begoone, moued & had within this realme and mo be like to enſue if remedy for the ſame be not prouided. For the eſtabliſhment and reformation wherof, and for the ſure and ſincere interpretation of the ſaid eſtatute, in auoyding all daungers, contencions, controuerſies, ābiguities & doubts that hereafter may enſurge growe and happen. Our ſoueraigne lorde the king, with the aſſent of the lordes ſpiritual and temporall, and the commons in this preſent parliamēt aſſembled,

assembled, & by aucthoritie of the same, hath enacted and ordeyned, that all and singuler fines, as well heretofore leuied as hereafter to be leuied, before the said iustices, with proclamations, according to the said estatut, by any person or persons, of full age of. xxi. yeres, of any manours, landes, tenementes, or hereditaments, before the time yᵗ ỹ same fine leuyed, in any wise entayled, to the person or persons so leuying the same fine or to any the auncestour or auncestours, of ỹ same persone or persones, in possession, reuersion, remainder or in vse, shalbe immediately after the same fine, leuied, engrossed, & proclamations made, adiudged, accepted, demed, and taken, to all intentes and purposes, a sufficient barre & discharge, for euer, against the saide persone and personnes, and theire heires, claymyng the same landes, tenemēts and hereditamentes or anye parcell thereof, onely by force of any suche entayle, and agaynst all other personnes, claymynge the same, or any parcell thereof, oneiye to their vse, or to the vse of any maner of heire of the bodies of them, any ambiguity doubt or cōtrariositie of opinion, rysen or growen vpon the saide estatute, to the contrary notwythstanding.

¶ Prouided alway that this acte nor any thing therin conteined, shall extend to barre or exclude, the lawfull entre, title or interest, of any heir or heirs, person or psons, heretofore geuen, or hereafter to be geuē growen

or

or accrewed to them or any of them, in or to any manors, landes, tenementes or hereditaments, by reason of any fine or fines here tofore leuied or hereafter to be leuied, by any woman after the death of her husband, contrary to the fourme intent and effect of the estatute made in the .xi. yere of the saide late king Henry the .viij. ca. 20. of any manours, landes, tenements and hereditamentes, of the inheritance or purchace of ỹ saide husbād or of any his auncestors, geuen or assigned, to any such woman in dower, for terme of life, or in taile, in vse or in possession, but that the same act made in the said xi. yere of ỹ said late kyng Henry the seuenth shall stand remayn & bee in full strength & vertue, in euerye article, sentence and clause therein conteigned in lyke manner and fourme, as though thys present acte had neuer bē had ne made.

Prouided also that this act ne any thing therin conteigned, do extende to anye fine or fines, at any time heretofore leuied, or hereafter to be leuied, of any lordshyps, manors, landes, tenementes or other hereditaments, what soeuer they be, the possessioners and owners whereof, by reason of anye expresse wordes, conteined in any speciall act or actes of parliament made or ordeined, sithen the saide .viij. yeare of the reigne of the saide late kyng Henry the vij. stand, be bounden, or restrained, from making any alienations, discontinuances or other alterations, of any of the same

same lordships, manors, landes, tenements or hereditamēts, conteigned in the saide fine or fines, but that all and euery such fine and fines, at any time heretofore leuied, or hereafter to be leuied, by any such pson/or/psōs or their heirs, of any such lordships, manors landes, tenements or other hereditamentes, shalbe of such like force and strength in the lawe, and of none other effecte then ỹ same fine so leuied or to be leuied, should haue bē, if this present acte had neuer been had nor made, any thing therin conteyned, to the cōtrary thereof in any wise notwithstāding.

¶ Prouided allo that this acte nor anye thing therin conteigned, shal extend to anye fine or fines, heretofore leuied, of any manors, landes, tenements or hereditamentes, now in suite demaunde or variance, in anye of the kings courts, or wherof any charters euidences or munimentes concernynge the same, be now in demaund in the kings high court of chauncery, nor to any fine or fines, heretofore leuied of any manours, lands tenements or hereditaments, which before the first day of this present parliament, haue bē recouered gotten or obteined, by reason of any iudgement, entre decree arbitrement or other lawfull meanes, cōtrary to ỹ purport intent or effect, of any such fine or fines therof heretofore leuied, nor to any fine or fines heretofore leuied, or hereafter to bee leuyed, by any personne or persons, of any manors, landes, tenementes or heredytamentes,

before

before the time of the leuying of ỹ same fine, geuen, graunted or assigned to the said person or persons, so leuying the same fine, or to any of his or their auncestours in the tayle, by vertue of any letters patents of our sayd soueraigne lorde, or any of his progenitours or by vertue of any acte or actes of parlyament, the reuersion wherof at the time of ỹ same fine or fines so leuied, being in our said soueraigne lorde his heires or successours: But that euery suche fine and fines, shalbe of like force strength & effecte, as they were or should haue ben, if this act had neuer ben had nor made.

¶Rentes.

¶An act for recouery of arrerages of rents by executours of tenant in fee simple. 32. H. 8. ca. 37.

¶Rentes. 2.

FOrasmuch as by ỹ order of ỹ cõmõ law, ỹ executors or administrators of tenãts in fee simple, tenants in fee taile, & tenantes for term of liues, of rents seruices, rent charges rent secks, & fee fermes. haue no remedye to recouer such arrerages of ỹ said rents or fee fermes, as were due vnto their testatours in their liues, nor yet ỹ heirs of such testatour, nor any plõ hauing ỹ reuersiõ of his estate, after his decease may distraine or haue anye lawfull

lawful accion to leuie any such arrerages of rents or of fee fermes, due vnto him in his life as is aforesaid. By reasō wherof the tenāts of the demeane of suche landes, tenementes, or hereditamentes, out of the whiche suche rentes were due and payable, who of righte ought to pay their rentes and fermes, at such day and termes as they were due, do many times kepe, hold, and retaine, such arrerages in their owne handes, so that the executors and administratours, of the personnes, to whom such rentes, or fee fermes, were due can not haue or come by the saide arrerages of the same, towardes | the | payment of the debetes, and perfourmaunce of the wil of the saide testatours. | M.19.H.6.ca.83.fo.41. Dette.37. and Executours 98. anno.4.E.3. Itiñ Noting. |

¶ For remedy whereof be it enacted by authoritie of this present parliament, that the executours, and administratours of euerye such person or persons, vnto whom, anye such rent, or fee ferme, is or shall be due, and not paide, at the time of his death, shall and may haue, an accion of debt, for all such arrerages, against the tenant or tenauntes, that oughte to haue paide the saide rent or fee fermes, so being behinde, in the life of their testatour, or againste the executours and administratours of the said tenauntes. And also furthermore, it shall be lawfull to euerye such executour and administratour, of anye such persone or persones, vnto whom suche

rent or fee ferme [ſic] or ſhall be due, and not paide, at the time of his death, as is aforeſaid to diſtraine for the arrerages of all ſuch rēts and fee fermes, vpon the landes, tenementes and other hereditamentes, which were charged with the paiment of ſuche rentes or fee fermes, and chargeable to the diſtreſſe of the ſaide teſtatour, ſo long as the ſayde landes, tenementes, or hereditamentes, continue, remaine and bee, in the ſeaſon or poſſeſſion of the ſaide tenaunt in demeane, who oughte immediatlye to haue paide the ſayde rente or fee ferme, ſo bringe behynde to the ſayde teſtatour, in his life, or in the ſeaſon or poſſeſſion, of anye other perſone or perſones, claimynge the ſaide landes, tenementes and hereditamentes, onely by and from the ſame tenaunte, by purchace, gifte, or diſcent, in like maner and fourme as their ſaide teſtatour moughte or oughte to haue done in his life time, and the ſaide executours and adminiſtratours, ſhall for the ſame diſtreſſe, lawfully make auowry, vpon their matter aforeſaide.

¶ Prouided alwaie, that this acte nor anything therin contained, ſhal not extende, to anye ſuche manour, lordſhip or dominion in Wales, or in the marches of the ſame, wherof the inhabitauntes haue vſed time out of the minde of man, to pay vnto euery Lorde or owner of ſuch lordſhip manour or dominion, at his or their firſt entrye into the ſame anye ſumme or ſummes of money, for the re-

redempcion and discharge of all duties forfaitures and penalties, where with the saide inhabitauntes, were chargeable, to anye of their saide lordes auncestours or predecessours before his said entre.

¶ And further be it enacted by the auctho-ritie aforesaide, that if any man, which now hath, or hereafter shall haue in the righte of his wife, any estate in fee simple, fee taile, or for terme of life, of or in anye rentes or fee fermes, and the same rentes or fee fermes, nowe bee, or hereafter shall be due behinde and vnpaide, in the saide wiues life, than the saide husbande, after the death of his saide wife, his executours and administratours, shall haue an accion of debt for the saide arrerages, againste the tenaunt of the demesne that ought to haue paide the same, his executours or administratours. And also ye said husbād, after the death of his said wife, may distraine for the said arrerages, in like maner and fourme, as he mought haue done, if his said wife had ben than liuing & make auow rie vpon his matter as is aforesaid.

¶ And likewise it is further enacted by the auctho-ritie aforesaid, ye if any ꝑson or persōs which now hath or hereafter shal haue, any rents or fee fermes, for terme of life or liues of any other ꝑson or persōs, & ye said rēt or fee ferme, now be, or hereafter shalbe due, & behind & vnpaid, in ye life of such person or persons, for whose life or liues, ye estate of ye said rent or fee ferme did depende or cōtinue, and

after the said person or persones doth dye. Than he vnto whom the saide rente or fee ferme was due in fourme aforesaid, his executours & administratours, shal & may haue an actiō of debt, against ye tenant in demesne that ought to haue paide the same, when it firste was due, his executours and administratours, and also distraine for the same arrerages, vpon such landes and tenementes, out of the which the saide rents or fee fermes were issuing and paiable, in suche like maner and fourme, as he ought or might haue done if such persone or persons, by whose deathe, the aforesaide estate in the said rentes and fee fermes was determined and expired, had ben in full life and not deade: And the auowrye, for the takinge of the same distresse, to bee made in maner and fourme aforesaid.

¶ VVilles.

¶ An acte for the explanacion of the statutes of Willes. an. 34. H. 8. ca. 5.

¶ Willes. 3.

Vher in the last parliament, begunne and holden at Westminster the xxviij. day of Aprill, in ye 31. yere of the kings most gracious raigne | cap. primo Willes. 2. | And ther by diuers prorogacions holdē and continued vnto

emisdr comient ad estate de fee simple 3 et 4 mar. 143.

vnto the xxiiij. day of July, in the xxxij. yere of his laide raigne. It was by the kinges moſt gracious and liberal diſpoſicion, ſhewed towarde his moſte humble and obedient ſubiectes, ordeined and enacted, how and in what maner, landes, tenementes, and hereditamentes, might by Will, or teſtament, in writinge, or otherwiſe by any acte or actes lawfully executed in the life of euery perſon geuen, diſpoſed, willed, or deuiſed, for the aduancement of the wife preferment of children, payment of debtes, of euery ſuche perſon, or otherwiſe, at his will or pleaſure, as in the ſame acte more plainely is declared. Sithen the makinge of which eſtatute, diuers doubtes, queſtions, and ambiguities, haue riſen, bene moued and growen, by diuerſitie of opinions taking, in and vpon the expoſicion of the letter of the ſame eſtatute.

¶ For a plaine declaracion and explanacion whereof, and to the intent and purpoſe, that the kinges obedient and louing ſubiectes, ſhall and may take the commodity and aduantage of the kinges laide gracious and liberall diſpoſicion, the lordes ſpirituall and temporall, and the commons in this preſent parliament aſſembled, moſt humble beſeche the kinges maieſtye, that the meaning of the letter of the ſame eſtatute, concerninge ſuche matters hereafter reherſed, may be by the auctoryty of this preſent parliament enacted taken, expounded, iudged, declared, & explaned in maner and fourme folowing.

¶ First where it is contained in the same former statute, within diuers articles and branches of the same, that all and singuler persone and persons, hauing any manours, landes, tenementes, or hereditamentes, of the estate of inheritaunce, shoulde haue full & free libertie power and auctoritie, to geue, will, dispose, or assigne, as well by last will and testament in writing, or otherwise, by any acte or actes lawfully executed in his life his manours, landes, tenementes, or hereditamentes, or anye of them in suche maner and fourme, as in the same former acte more at large it doth appere. Which wordes of estate of inheritance, by the auctoritie of this present parliament, is and shal bee declared, expounded, taken, and iudged, of estates in fee simple onely. And also that al and singuler person and persones, hauing a sole estate or interest in fee simple, or seised in fee simple, in copercenary, or in common in fee simple, of and in anye manours, landes, tenementes, rentes, or other hereditamentes, in possession, reuersion or remainder, or of rentes or seruices incident to any reuersion or remainder, and hauing no manours, landes, tenementes, or hereditaments holden of the king, his heires or successors, or of any other person or persons, by knightes seruice, shall haue full and free liberty power and auctoritie to geue, dispose, will, or deuise, to anye person or persones (except bodies politike & corporate) by his last will and testament, in writ-

wryting, or otherwise, by any acte or actes, lawfully executed in his life, by him selfe soly or by himselfe and other, iointly, severallye, or particularly, or by al those waies or anye of them, as much as in him of right is or shal be, all his said manours, landes, tenementes rentes, and hereditamentes, or any of them, or any rentes, commons, or other profites, or commodities, out of, or to be perceiued of the same, or out of any parcell therof, at his owne free will and pleasure anye clause in the saide former acte not withstanding.

¶ And further be it declared and enacted by the auctoritie aforesaide, that al and singuler person and persons, hauing a sole estate or interest in fee simple, or seised in fee simple in copercenerye, or in cõmon in fee simple, of or in, any manours, landes, tenements, rents or other hereditaments, in possession, reuersion, or remainder, or of and in, any rentes or seruices incident to any reuersion or remainder, holden of the king by knightes seruice in chiefe, or of the nature of knightes seruice in chief, hath and by the auctoritie of this present parliament shall haue full and free liberte, power, and auctoritie, to geue, dispose, will, or assigne to any person or persons (exceptе bodies politike and corporate) by hys last will & testament in wryting, or otherwise by any acte or actes, lawfully executed in his life, by him selfe soly, or by himselfe and other iointlye, severallye, or particularly, or by al those waies or any of thē, as much as in him

of right is or shall be, two partes aswell of all the said manours, landes, tenements, rentes, and hereditamentes, as of al and singuler his other rentes, and hereditamentes, or of any of them, or anye rentes, commons, or other profites or commodities, out of, or to be perceiued of the same two partes, or out of any parcel therof, in three partes to be deuided, or as much therof, as shal amount to the full and clere yerely value of two partes therof, in three partes to be deuided, of what person or persons so euer they be holden, at his free will and pleasure. And that by the auctoritie aforesaid, the said wil so declared shalbe good and effectuall for two partes of the said manours, landes, tenementes, & hereditamentes, although the will so declared be made of the whole, or of more than of two partes of the same. The same deuision to be made and set forth, by the deuisour or owner of the same manours, landes, tenementes, and hereditamentes, by his last will in writing, or otherwise in writing. And in defaute thereof, by a commission to be graunted out of the kinges court of the wardes and liueries, vpon the inquery of the true value ther of, by the othes of xij. men, and retourne or certificat therof had in the same court, of the saide manours, landes, tenementts, and hereditaments, diuision to be made by the master of the wardes and liueries, if the master of the wardes and liueries for the time being, and the parties therunto can not otherwise

wise agree vpon the same deuision And that the issues and profites of the two partes of the same manours, landes, tenementes, and hereditamentes vpon euery such deuision, to be restored to them, that shal haue righte, or title to the same, from the death of the owner or deuisour therof.

¶ And further be it enacted and declared, by thauctority aforesaide, that all and singuler person and persones, hauing a sole estate or interest in fee simple, or seised in fee simple, in copercenarie, or in common, in fee simple, of and in, any manours, landes, tenementes, rentes, or other hereditamentes, in possession, reuersion, or remainder, or of and in any rentes, or seruices, incident to any reuersion or remainder, holden of the king, his heires or successours by knightes seruyce, & not in chiefe, or holde of any other p̄son or p̄sons by knights seruice shal haue full & free libertie, power & auctoritie, to gene, dispose, sell or deuise, to any p̄sō or persons, except bodies politike & corporate. by his last wil & testamēt in writing, or otherwise, by any act or actes lawfully executed in his life, by himself soly or by himselfe & other, iointly seuerally, or particularly, or by all those wayes, or any of them, as much as in him of righte is or shall be, two partes of al the said manors landes, tenementes, and hereditamentes, or any of them so holden by knightes seruice, and anye rentes common or other profites or commodities, out of, or to be perceiued of the same

same two partes, or out of any parcel therof, in three parts to be deuided, or as much therof, as shall amount to the full & clere yerely value of two partes therof, in three partes to be deuided, at his free will & pleasure. And that the said will so declared, by aucthorityte aforesaide, shalbe good and effectual, for two partes of the said manours, lands, tenementes, or hereditamentes, although the will so declared be, or shalbe made, of ỹ whole landes & tenementes, so holden by knightes seruice, or of more, than of two partes of ỹ same And also for the whole of all other such manours, lands, tenements, and hereditaments or anye of them, not holden of the kinge by knights seruice in chief, or otherwise by knightes seruice, nor of any other persõ by knightes seruice, & of any rẽts, commons, or other profits or cõmodities, out of, or to be perceiued of the same, or out of any parcel therof at his free will & pleasure. The same deuision to be made and set forth, by the owner of the said manours, landes, tenementes, and hereditamentes, by his last will and testament in writing, or otherwise in writing. And in default therof, for almuch of the same manors landes, tenementes, and hereditamentes, as shall concerne the kings interest, by commission, to be directed out of the kinges court of the wardes and liueries, in maner & forme as is aforesaide, if the master of the wardes and liueries for the time being, and the parties therunto cannot otherwise agree vpon

the

the same deuision. And that restitucion of the issues & profites of the two partes therof, shalbe had and made, in maner & fourme aboue saide. And for such of the same manors landes, tenementes, and hereditamentes, as shall concerne the interest of any other lorde or lordes, by commission to be graunted out of the kinges courte of the Chauncery, to enquire thereof, by the othes of xij. men, if the same lorde or lordes, and the parties thereunto can not otherwise agree vpon the same deuision.

¶ And be it further enacted and declared by the authoritie aforesaide, that the sauinges, reseruinges, and prouisions, concerning sauing of the custody, wardship, relieke, and primer seson to the king, of such manours, landes, tenementes and hereditamentes, or almuch thereof, as shall appertaine vnto him, by vertue of the said former acte, and by the declaracion and exposicion thereof, declared by this present acte, duringe the kinges interest therin. And also of the custodie and wardship to other lordes, of as much of such manours landes, tenements, and hereditamentes, holden of them, as shall amount and extende to the clere yerely value of the third part therof cleer and aboue al charges, without any diminucion or abridgement of the third part, or of the full profites therof, comprised and mencioned in diuers articles in the said former acte contained, by ỹ auctority aforesaid be & shalbe intended, expounded, & taken, as

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hereafter enſueth: that is to ſay, that the king ſhal haue and take for his full thirde parte, of al ſuch manours, landes, tenementes, and hereditaments, where vnto he is or ſhal bee intitled by the ſaide former acte, and by this preſent acte, ſuch manours, lands, and tenementes, as ſhal by any meanes diſcende, or come by diſcent, as well of eſtate of inheritaunce in fee taile, as in fee ſimple, or in fee taile onely to the heire of any ſuche perſon or that ſhall make any will, gifte, diſpoſicion, or deuiſe, by his laſt will in writing, or by any acte or actes lawfully executed in his life, immediatlye after the death of the ſame deuiſour or owner therof. And that the wyll, gift and deuiſe, of euery ſuch deuiſour or owner, of and for the two partes of the ſayde manours, landes, tenementes, and hereditamentes, reſidue, ſhal by the auctority afore ſaid, be and ſtande good and effectuall in the lawe, albeit, the ſame will, gift or deuiſe, bee had and made of all his fee ſimple landes, tenementes, and hereditaments, or of the more part thereof. And in caſe the ſame manours landes, tenementes, and hereditamentes, which after the death of any ſuch owner or deuiſour, which ſhal make any ſuche gifte, diſpoſicion, or deuiſe, by his laſt will, in writinge, or otherwiſe by any acte or actes, lawfully executed in his life, to his wife, children or otherwiſe as is afore ſaid, which ſhall immediatly after his death diſcende, reuert, remaine or come, to his heire or heires. as wel

of

eſtate of inheritaunce in fee taile, as of eſtate in fee ſimple, or fee taile onely, be not, or ſhall not amount or extende to the full clere yerely value of the ful thirde parte, with the full profites therof, of all the ſaid manours, landes, tenementes, or other hereditamentes of the ſaid deuiſour or owner, accordinge to the true intent and meaning of the ſaide former acte, and of this preſent acte, that then the kinge ſhall and may haue and take, into his handes and poſſeſſion, to make vp hys full third part, with the full profites therof, according to his intereſt therin, as muche of the other manours, landes, tenementes, or hereditamentes, willed, geuen, diſpoſed, or aſſigned by any ſuch perſon, to his wife, children or otherwiſe, as is aforeſaide, as wyth ſuch of the ſame, manours, landes, tenementes, and hereditamentes diſcended, or by any meanes come vnto the heire, as heire of anye ſuche deuiſour or owner, ſhall make vp the clere yerely value of the ſaide full third part with the full profites therof, of all the ſayde manours, landes, tenementes, hereditamentes, of euery ſuch owner or deuiſour, ſo to be had to the kinge, in title of wardſhippe or primer ſeaſon, as the caſe ſhal require. And the deuiſion thereof, to be had and made, and with the reſtitucion of the profits of the two partes of the ſaide manours, landes, tenementes, and hereditamentes, in ſuche maner and fourme as is aboue reherſed. And lyke benefite and aduantage, to be geuen, had and

taken,

taken, by the said aucthoritie, to euery Lord and Lordes, of whom any suche manours, landes, tenementes, or hereditamentes, bene or shall bee holden by knightes seruice, in maner and fourme as is abouesaide concerninge onely his or their thirde partes therof, accordinge to their saide interest therin.

¶ And be it further enacted, by the aucthoritie aforesaide, that if it happen ẏ same third parte, or any parte therof, left, willed, or assigned, to the king or other lord, at any time during their interestes therin, to be lawfullye euicted or determined, that than the king and the other Lorde, shal haue as muche of the two partes residue, as shall accomplishe and make vp a full third parte, in clere yerely value, after the rate and porcion of suche manours, landes, tenementes, and hereditamentes, as shall then happen to remaine of the same thirde parte, not deuicted nor determined, and of the other two partes of suche manours, landes, tenementes, and hereditamentes, as the kinge or other lorde shoulde or ought to haue had, by vertue of the sayde former act, and this present acte: and ẏ same to bee deuided, in maner and fourme aboue rehersed, anye clause in the said former acte notwithstanding.

¶ And be it further enacted and declared by thauctoritie aforesaid, that the sauinge & reseruing for fines for alienacion, by any such laste will and testament, of suche manours, landes,

landes.tenements,or hereditaments. holden of the king by knightes seruice in chiefe,or of the nature of knights seruice in chief, or by socage in chiefe,or of the nature of socage, tenure in chief,or for fines for alienacion,of such manours,landes,tenementes,or hereditamentes,whereof there shall be anye alienacion of freeholde,or of inheritance,made by anye such laste will, compriſed in diuers and sundry articles, mencioned in the said former acte, bee and shall bee intended, expounded,taken, deemed and iudged, by the auctoritie aforesaide,that all suche persone or persones, to whom the saide manours, landes,tenementes, or hereditamentes, or anye of them, be or shall bee geuen,disposed,willed,or deuised,by any suche last will, shall bee exonerated acquited and discharged for euer, againste the kinge,his heires and successours,for all such fines for alienations,by anye such laste will or testament, without licence,by suing forth of the kinges pardone for alienacion out of the kinges courte of Chauncery,payinge to the kinge, his heires or successours,for the fine of euery such alienacion,the third part of the yerely value of the same manors,landes,tenemēts or other hereditaments, to him or thē willed or deuised,& this acte from time to time,shall bee sufficient warrant,to the lord chauncellour of England,or keper of ỹ great seal,for the time being,for ỹ graunting out of the said pardon or pardons,vnder ỹ kings great seal

as

as heretofore hath bene vsed for pardons for alienacions, without any further suite to bee made to the king for the same.

¶ And it is further declared & enacted, by the authoritie aforesaide, that willes or testamentes, made of any manours, landes, tenements, or other hereditamentes, by any woman couert, or persone within the age of xxi. yeres, idiote, or by anye persone de non sane memorie, shall not be taken to bee good or effectual in the law.

¶ And be it further enacted by the auctoritie aforesaid, that if any person or persons hauing estate of inheritaunce, of or in, manours, landes, tenementes or hereditaments holden of the kinge by knightes seruice in chief, or otherwise of the kinge by knightes seruice, or of any other person or persons by knights seruice, hath geuē at any time sithē the xx. daye of the said monethe of July | 32. H. 8. añ dñi 1540: | or hereafter shall geue will, deuise, or assigne, by will, or other acte executed in his life, his manours, landes, tenementes, or hereditamentes, or any of them by fraude or couine, to any other persone or persones, for terme of yeres, life or liues, with one remainder ouer in fee, or with diuers remainders ouer for terme of yeres, life or in taile, with a remainder ouer in fee simple to any persone or persones, or to his or their right heires, or at any time sithen the said xx. day of July, hath conueied or made, or hereafter shal conuey or make by fraude or couin

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contrary to the true intent of this acte, anye estates, condicions, menalties, tenures, or conueiaũces, to the intent to defraud or disceiue the king of his prerogatiue, primer season, liuerie, reliefe, wardship, mariages or rights: or any other lord of their wardships reliefes heriots, or other ꝓfits which shold or ought to accrue, growe or come vnto thẽ or any of them, by or after the death of hys or their tenant, by force and according to the former estatute and of this present act & declaration: and the same estates and other cõueiances, being found by office to be so made or contriued by couin, fraude or disceipt, as is abouesaide, contrary to the true intent & meaning of the saide former act, and of thys act: That then the kyng, shall haue as well the wardship of the body, and custody of the landes, tenements and hereditaments, as liuery, primer season, reliefe, and other ꝓfits, which should or ought to apperteine to the king, according to the true intent and meaning of the said former acte, and of this present act, as though no such estates or cõueiances by couin, had neuer bene had or made vntill the said office be lawfully vndone by trauers or otherwise. And that ẏ other lord and lordes, of whom any suche mannours, landes, tenements or hereditaments, shalbe holden by knights seruice, as is aforesayde, shall haue their remedy in such cases, for his or their wardships of bodies and lands, by writ of right of warde, and shall distreine &

make auowry or cognisaũce, by them selues or their bailifes, for their reliefes, heriots, and other profits, which should haue ben to them due, by or after the deathe of their tenaunt, as if no suche estate or conueiaunce had be had or made. Sauing and reseruynge alwaies, by the aucthoritie aforesaid ẏ right and title of the donees, feoffees, leassees, & deuisees therof, against the said deuisour and his heires, after the interest and title of the kyng or other lorde therin ended and determyned.

¶ Prouided alwaies that this act, explanation, and declaration, or any of them, or any thing in thys saide act, explanation or declaration conteyned, shall not extend to the will or deuise of syr John Gaynsforde, late of Crowherst in ẏ county of Surrey knight deceased: Nor to the will or deuise of Sir Peter Filpot knight deceased: Nor the wil or deuise of Rychard Creswel late of Mattingley in the county of South. gentleman deceased, nor to the wil or deuise of Thomas Unton late of the county of Berk. gentleman deceased, sonne of sir Thomas Unton knight also deceased: or shalbee in any wyse preiudicial or hurtful, to any persone or persones, for or concerning any manours, lãds, tenements or hereditaments, conteyned or especified in the sayde willes or deuises, or in any of them, but that the sayde last willes and deuises, and euery of them shall stande, abyde, remayn and be, in the same case, force

and

and effect in the lawe, to all intents purpo-
ses and constructions, as the sayde last wills
and deuises, and euery of them, were before
the making of this acte, declaration and ex-
planation, and of none other effecte or force:
this act, declaration and explanation, or any
of them, or any thinge therein conteyned to
the contrary thereof in any wyse notwyth-
standing.

¶ Prouided alway, and be it enacted by ỹ
authoritie aforesaide, that al and euery per-
sonne and personnes from whom the kynge
or other lorde or lordes, shall take any ma-
nours, landes, tenements or hereditaments
for hys or their full thirde parte, or to make
vp his or their thirde part, shall and may, by
authoritie of this presente acte, in anye of the
cases aforesaide vpon hys or their bill exhy-
bited in the kinges court of Chauncerye, a-
gainst all and euery suche personne and per-
sones, whiche shalbe entitled by or vnder a-
ny suche will, gift, disposition or deuise, to ỹ
other two partes, haue suche contribucyon
or recompence for the same, as by the chan-
cellour of Englande, or by the keper of the
great seale of England for the time
beyng, shal be thought good
and conuenyent.
See the statute. 34. H 8. cap. 20.
of Recouerye.

Recoueries.

¶ An acte to embarre feined recoueries of landes, wherein the kings maiesty is in reuersion. 34. H. 8. ca. 20.

¶ Recoueries. 4.

VVHere diuers of the kynges moste noble progenitoures and specyalye the kinge our soueraigne lorde, moste liberally aboue all other, hath geuen & graunted, or otherwise prouided to his and their louing & good seruaūts and subiects, aswell nobles as other, mannours, meases, landes, tenements, rents, seruices and hereditaments to them and to their heirs males of their bodies, or to the heires of their bodies lawfully begotten, minding at the time of suche gifts not onely to preferre and aduaunce presentlye the donees, but also their heires in bloud of their bodies, according to the limitation of the said giftes: to thentēt ỹ recompence for the seruice of suche donees, should not onely be a benefite for their owne persons, but a continual profit & commodity to & for their heires cōming of their bodyes, whereby such heires should haue in speciall memory and daply remembrance, the profyt that they haue & take by the seruice of their auncestors done to the kings of this realme and thereby be the better encouraged to doe like seruice to their soueraigne lorde, as to their dueties of allegeaunce appertaynethe.

And

And for as muche as sundry such dones in
taile, and their heires haue suffered, & dayly
suffre by their consentes, vntrue and feyned
recoueries to be had against them, with cō-
mon voucher or otherwise, of manors, mes-
ses, landes, tenements or hereditamentes, so
geuen, graunted or prouided in taile by the
kyngs maiestie, or his noble progenitours,
as is aforesaide, to the intent by fraude, co-
uin and vndue meanes, not onely to binde &
defete their heires inheritable by the limita-
tion of suche giftes, but also the king of hys
prerogatiue, wardship, primer seasen, and
other his rightes, wherby questions and di-
uersities of opinion haue risen and yet bee:
whether such feyned and vntrue recoueries
against suche tenants in taile, by their owne
consents, of lands, tenements or heredyta-
ments, whereof the reuersion or remaynder
is in the kinge, at the time of suche recouery
or recoueries had, should after the death of ȳ
tenant in taile, binde the heirs in taile or not
for the plaine declaratiō wherof, & to auoid
and extinct from hencefoorthe diuersityes of
opiniōs in such cases: be it ordeined & enac-
ted by aucthoritie of this present parliament
that no such feyned recouerie, hereafter to be
had, by assent of parties, against any suche
tenant or tenaunts in taile, of any landes, te-
nements or hereditaments, whereof the re-
uersion or remainder at the time of suche re-
couerie had, shalbe in the king, shall binde or
conclude the heires in taile, whether anye

condicion[alias common] voucher be had in any ſuch feyned recouery or not, but that after the death of euery ſuche tenant in taile againſt whom any ſuche recouery ſhalbe had, the heires in taile may entre, haue and enioy the landes, tenements and hereditaments ſo recouered according to the fourme of ỹ gift of entaile: the ſaide recouerye or anye other thing or things hereafter to bee had, done or ſuffred by or againſt any ſuch tenant in taile to the contrary notwithſtanding.

¶ And be it alſo further enacted, by thauctoritie aforeſaide, that the heires of euerye ſuche tenant in taile, againſt whom any ſuch feyned recouery ſhall be had, ſhall take none aduantage for any recompence in value againſt the vouchee or his heires.

¶ Prouided alway that this acte nor any thing therin conteined, be in any wiſe preiudicial or hurtfull to the leaſſee or leaſſees of any ſuch tenant in taile made or to bee made by writing indented, of any manours, landes tenementes or hereditamentes for terme of xxi. yeres, three liues, or vnder, wherevpon the accuſtomable rent and rentes or more, is or ſhalbe reſerued, yearelye during the ſame terme and termes: but the ſame leaſſee and leaſſees, ſhall and may haue and enioy his or their terme and termes therein againſt the heire and heires of euery ſuch tenant in taile according to the tenour, purport and effecte of the ſtatute made in the xxxij. yeare of the reigne of our ſouereign lord king Hēry ỹ. 8.

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any thing in this act conteined to the cõtrary therof notwithstanding. ¶De Anno. 32. H.8. cap. 28. Leases. 2.

¶An act that fines in townes corporate shalbe made as the same in time heretofore haue ben. 34. H. 8 Cap. 22.

¶Inrolments. 3.

WHere in the parliament, holden in the. xxbij. yere of our most dread soueraigne lorde king Henry ỹ eight ¶De the statute ment. 32. H. 8. cap. 28. but al the prints be .27. H .8. idio quere. ¶It was enacted by auctoritie of the said parliament amongst other, that no fine, feoffement or other acte or actes hereafter to bee made, suffred or done, by the husbande onelye, of manours, landes, tenementes or hereditamentes, beynge the inherytaunce or the freeholde of his wyfe, duryng the couerture betweene them: shall in anye wise be or make any discontinuaunce therof, or be preiudiciall or hurtfull to the sayde wyfe, or to her heires, or to suche as shall haue ryghte title or interest by the same, by the deathe of suche wife or wiues: but the same wife and her heires, and suche other, to whom suche ryghte shall apperteyne, after her decease, shall and maye then lawefullye entre, into all suche mannours, landes,

tenements and hereditaments, according to their rights & titles therin, any such fine feoffement or other act to ỹ contrary notwithstanding, sithens the making of which acte diuers doubts, questiõs, & ambiguities haue risen, that is to say, whether the recoueries and deedes enrolled, which bee in nature of fines, and wherupon women couert haue bẽ vsed to be examined, taken, had or knowledged as wel win ỹ citie of Lõdõ as in many other cities, boroughs & townes within the realme of England should bind al such women couert, that should happen to be examined vpon the same recoueries and deedes enrolled. In auoyding therefore all such ambiguities & doubtes. Be it enacted, by ỹ kyng our soueraigne lord, the lordes spirituall & temporal, and the commons in this present parliament assembled, and by auctoritie of the same, that all recoueries, deedes enrolled and releasses heretofore knowledged and taken, or at any time hereafter to be taken and knowledged before the maiors, aldermẽ, recorders, chamberleines, or other head officer or officers, as well of the citie of Londõ as of any other citie, borough, or towne corporate within the realme of Englande, hauing power and auctority to take & receiue the same, according to ỹ lawdable vsages & customes of ỹ said cities, boroughs & towns & euery of them, shall be, stand and remaine of like force, strength and effect, to al intẽts and purposes, as they or anye of them were

before

before the making of the said act, in the saide xxij. yere of our said soueraigne lord: Any thing in ỹ same conteined to the contrary in any wise notwithstanding.

¶An acte against vsurye.
37.H.8.Cap.9.

¶Vsurye.6.

WHere before this time diuers & sundry actes, statutes and lawes haue ben ordeined, had and made within this realme, for the auoyding & punishment of vsury, being a thing vnlawfull, & of other corrupt bargaines, shiftes and cheuisances, which actes, statutes and lawes, ben so obscure and darke in entents, wordes & termes and vpon the same so many doubtes, ambiguities and questions haue risen and growē and the same actes, statutes and lawes ben of so litle force or effect, that by reason therof, litle or no punishment hath ensued to the offenders of the same, but rather hathe encouraged them to vse the same. For reformation whereof, be it enacted by the kynge our soueraign lord, by the assent of the lordes spirituall and temporall, and the commons in this presente parliament assembled, and by the auctheritie of the same, that all & euery the saide actes, statutes and lawes, heretofore made, of, for or concernynge vsurye, shiftes, corrupt bargaines, and cheuisances,

and

and euery of them, and al peines, forfaitures and penalties concerning the same, and euerye part thereof, shal from henceforth be vterly voide & of none effect, to al intents cõstructions & purposes.

¶ And bee it further enacted by the auctoritie aforesaide, that no persone or persones, of what estate, degree or condicion so euer he or they be, from and after the last day of January next comming, shall by him selfe, factour, attournay, seruaunt or deputy sell his marchaundises or wares to any persone or persones, and within three monethes next after, by hymselfe, factour, attourney, deputy, or by any other persone or persones to his vse and behouse, buy ỹ same marchandise or wares, or any parte or parcell thereof, vpon a lesser price, knowing thẽ to be the same wares or marchandises, that he before did so bargaine and sell, vppon the peines and forfaitures hereafter limitted in this estatute.

¶ And be it also enacted by the same auctority, that no person nor persons, of what estate, degree, qualitie or condicion soeuer he or they be, at any time after the said last day of January next comming, by way or meane of any corrupt bargaine, lone, eschange, chevisance, shift, interest of any wares, marchãdises, or other thing or things whatsoeuer, or by any other corrupt or disceiptfull waye or meane, or by any couin, ingin or disceiptfull way or conueyaunce, shal haue, receiue,

accept

ceept or take in lucre or gaines, for the for-
bearing or geuyng daye of paiment, of one
whole yere, of and for his or their money or
other thing, that shall bee due for the same
wares, marchādise, or other thing or things
aboue the summe of x li. in the hundred, and
so after that rate, and not aboue, of & for a
more or lesse sūme, or for a lōger or shorter
time, & no more or greater gain or sūme ther
vpon to be had, vpon ỹ peines & forfaitures
hereafter in this act mencioned & contemed.

¶ And be it further enacted by authory-
tie aforesaid, ỹ if any person or persōs at any
time after the said last daye of Januarye, do
bargain & sel, or lay to morgage by any way
or meane, any manors, lāds, tenemēts or he-
reditamēts, to any person or psons, vpō con-
dicion of paiment or none paiment, of anye
summe or summes of money, to be had paid
or made, at any daye certaine, or before any
suche day, by him that shall so bargaine, sell
or lay to morgage, the same manors, landes
tenements or hereditaments, that the same
persone or persons, to whō any such manors
lands, tenemens or hereditaments, shalbe so
bargained, solde or laid to morgage, shal not
by reason thereof, haue, ne take in lucre or
gains of the issues, reuenues & profits of the
same manours, landes, tenementes or here-
ditaments, aboue the summe of ten pound in
the hundreth for one whole yere, and so af-
ter the rate aboueſaide, for a more or a lesser
sūme, or for a lōger or shorte time, & no more

nor

nor otherwise, vpon the paines, forfaitures & penalties hereafter in this present estatute limitted & expressed.

¶ And bee it further enacted, by the aucthoritie aforesaid, that if any person or persons, of what estate, degree qualitie or condicion so euer he or they be, at any time after the said last day of January next commyng shall do any act or actes, thing or things, contrary to the tenure, fourme and effect of this estatute, or any clause, article or sentence conteined in ỹ same, ỹ then al & euery offender & offenders therin, or in any part therof, shall forfait & lose for euery such offence, the treble value of the wares, marchandises and other thing or things so bargained, sold, eschanged or shifted, and the treble value of the issues and profits of the saide manours, landes, tenements, and hereditamēts, so had taken or receyued, by reason of any such bargain sale or morgage, and also shall haue and suffre imprisonment of his bodie, and make fine & raunsome at the kings will & pleasure: The moitie of which forfaiture of the saide treble value, shalbe to the king, and thother moyty to him or them that will sue for the same, in any of the kings courts by accion of debt bil plaint or informacion, in which accion, byll, plaint or informacion, noe wager of lawe essoigne or proteccion shalbe admitted or allowed.

¶ Prouided alway & be it enacted by the auctoritie aforesaid, that this act, nor anye

thyng

thing therein conteined, shal not in any wyse extend to any lawfull obligation, indorced w̄ a condiciō. nor to any statute or recognisāce made & to be made, for the paimēt of a lesser summe, so that the same obligatiō, statute or recognisance, be made for a true, iust & pfyt debt, or for the perfourmance of anye other true couenants made or to bee made, vpon a iust and true intent, had betweene ẏ parties other then in cases of vsury interest corrupt bargains, shift or cheuisance, ne yet shal extend to any recouerie, fine, feoffement, releas confirmation or graunt, made or to bee made vpon condicion with a true intent, other thē to such recoueries, fines, feoffementes, releasses, confirmations and graunts, as shal be made vpon condicion, extending to vsurie, interest, corrupt bargaines, shifts or cheuisance: any thing in this estatute conteined, or any lawe, statute or ordinance heretofore had, vsed or made to the contrary notwithstanding.

This act was repealed by a statute made Anno 5, Ed. 6. cap. 20. and thereby was ꝓhibited and punished the lending, geuing, setting out deliuering or forbearing anye sūme &c. for any maner vsury encrease, lucre, gain or interest to be had, receiued or hoped for &c. which statute is also repealed and this reuiued Anno. 13. Eliz. cap. 8. which foloweth hereafter.

¶ An

Tenure.

¶ An act for Tenures holden in Capite
Anno. 1. E. 6. Cap. 4.

¶ Tenure. 11.

Here before this time, ambiguities, questiõs, & doubts, haue ben moued & stirred in diuers & sũdry the kings courtes of Recorde, whether suche honours, castels, manors landes, tenemẽts, & other hereditamẽts are holden of the king in Capite which any his louing subiects do holde by knightes seruice, socage, or other seruices of the king, as of his Duchies, Earledomes, Baronies, honours, castels, manours, lãds tenemẽts, fees, and seignouries, which haue come to the handes and possession of diuers of his highnes most noble progenitours, by atteindour of treason, misprision of treason, atteindours of Premunire, & prouision had & done by act of parliamẽt, by verdict, cõfession conuiction or vtlagary, & offices or no offyces thereupon founde, or by the dissolution, surrender, or geuing vp to the kyng, or to any his noble progenitours, of any religious or ecclesiastical houses or places, or of anye manours, landes, tenementes, and other hereditaments, to any of the same religious or ecclesiasticall houses or places in anye wyse appertcining or belõging or no: By meanes

of

of which doubt so moued, his sayde humble and obedient subiectes and tenauntes, haue ben heretofore muche vnquyeted, molested, and greeued: wherefore the kynge our soueraigne lorde, mynding, and entierly desiring the quyetnesse of hys sayde subiectes, & that the certayntye of his lawes in that behalfe myght be knowen, and declared, to his saide louing subiects, for a plaine declaration and resolution, to bee had, of, for, and concerning the premisses, at the humble petition and suite of the Lordes and commons in this present parliament assembled, doth ordeine, declare, and enacte, by the assent of the Lordes spirituall and temporall, and of the commons in the present parliament assembled, and by the auctoritie of the same, that all suche honours, castelles, manours landes, tenementes, and other hereditamentes, and euerye of them, whiche nowe bee, or at anye tyme hereafter shalbee holden of the kyng, or of anye of hys heires or successours, by anye of hys sayde subiectes, by knyghtes seruyce, socage, or otherwise, as of anye of hys or their Dukedomes, Earledomes, Baronies, Castels, manours, landes, tenementes, fees, or seignyories, whiche bee come to the kynge or hys moste noble progenytours, or hereafter shall come to the kyng, hys heyres or successoures, by meanes of anye suche attaynder, corruption, vtlagarye,

or

or of any ſuche diſſolution, ſurrender, or geuing vp of any religious or eccleſiaſtical houſes or places, or of any manours, landes, tenements or hereditaments, to any of the ſaid religious or eccleſiaſticall houſes or places, in any wiſe belonging or appertcining, ſhall not from henceforthe, be adiudged, deemed, taken, or conſtrued to any intent, conſtruction or purpoſe, to be holden in Capite, or as Tenure in Capite, any ambiguitie, queſtion, or doubt herctofore moued to the contrarye notwithſtanding. | Be a lyke matter Magna charta. cap 31.

¶ Prouyded alwayes, and bee it enacted by the aucthority aforeſaide, that this acte or any thyng therein conteyned, ſhall not in any wiſe bee preiudiciall ne hurtfull to the kyng, his heirs or ſucceſſours, to, for, or cõcerning any wardſhyp, liuerye, primer ſeaſon, fine for alienation, or to, or for any other profit or aduauntage whiche nowe is come, or hereafter ſhall or may come, fall, or growe to the king, his heirs or ſucceſſours, by or from any perſone or perſones, whiche nowe doth, or hereafter ſhall holde anye honours, ſeigniouries, caſtles, manours, landes, tenements or other hereditamentes of the kynge in chiefe, as of hys perſonne, or of any other hys auncyent poſſeſſyons, and beyng not come to the kyng by anye ſuche attainder, confeſſyon, conuyction, vtlagarie, diſſolution, geuing vp, or ſurrender, as bee aboueſayde.

¶ Prouided

¶ Prouided alwaies, and be it enacted by the aucthority aforesaide, that this presente acte, or any thing therein conteined, or specified, shal not in any wise, or by anye meanes, geue anye aduauntage, libertie, or profite to any tenaunte or owner in fee simple, of anye honours, manours, landes, tenementes, or other hereditaments, which haue heretofore sued any special or generall liuerie, or Ouster le maine, out of the handes of the kinge, or of any his noble Progenitours, of any honours manours, landes, tenementes, or other hereditamentes, by what tenour or seruice they were, or be holden, or that haue, or shal, confesse, by anye matter of recorde, anye tenour in chiefe, of the kinge, but that they, theyre heires and assignes, shall haue and holde the same manours, landes, tenementes, and other hereditamentes, in like maner and fourme, as they did before the makinge of this presente acte, and as though thys present acte had neuer ben had ne made, any thing aboue declared and enacted to the contrary notwithstanding.

Discontinuance of proces.

¶ An acte for the continuance of Actions after the death of any king, an. 1. E. 6. ca. 7. Discontinuance of proces. 2.

FRom henceforth by the deathe, or demise of the kings Maiestie that now is, (whose life almighty god longe preserue, kepe, and maintein in his most roial estate) nor by the death or demise of any that hereafter shalbe kinge of this Realme, any accion, suit, bill, or plainte, now or that hereafter shall depende betwene partie and partye in anye of the courtes aforesaide |.s. the kinges courtes, and other courtes of recordes, | shall not in anye wyse be discontinued, or put without day. But that the processe, pleas, demurres, and continuances in euery accion, accions, suytes, billes, or plaintes, which now, or that hereafter shall depende shall stande good and effectuall, and be prosecuted, and sued forth in such maner and fourme, and in the same estate, condicion and order, as if the same kinge had liued, or continued in full life, the death or demise hereafter of anye kinge of this Realme notwithstanding.

¶ And that all and all maner of iudicial processe that hereafter shall bee had, or pursued in the tyme of the raigne of any other kinge, then raigned at the time of the pursuite of the originall, or other former processe, shalbe made in the name of the kinge, that

that for the time shall raigne, and be king of this Realme, and that variance touching the same processe betwene the names of ỹ kings shall not bee in anye wise materiall, as concerning anye defaulte to be alleged, or obiected thertoze.

¶ And also bee it further established and enacted by thauctholitye afozesaide that all and euery Assise of nouel disseisine, Assise of mozdaunc̃estour, Juris vtrum, and attaint which at any time hereafter shalbe arraygned, commenced or sued before anye of the kinges Justices of Assise, shall not from henceforth bee discontinued or put without day, by reason of death, new commission, association, or not comminge of the same Justices of assise, or any of them, but that stand good and effectuall in the lawe, to all intentes, constructions and purposes, the deathe, new commission, association, or not cõminge of the same Justices, or any of them, in anye wise notwithstanding.

¶ And ouer that, be it ordeined and enacted by the auctholitie aforesaide, that albeit any demaundant or plaintife in anye maner of action, bill, or suite, shall fortune to bee made, or created, Duke, archbishoppe, marques, earle, viscount, baron, bishop, knighte, Justice, of the one benche or of the other, or Sergeaunt at lawe, depending the same action, bill, or suyte, yet that notwithstandinge, that no suche action, or suyte, shall for suche cause in anye wise be,

abatable or abated, but ſhall remaine in lyke force, goodnes, & ſtrength, as the ſame was before, any lawe, or vſage to the contrary in any wiſe notwithſtanding.

¶ And alſo be it ordeined and enacted by the aucthoritie aforeſaide, that albeit anye perſon or perſones being Juſtice of Aſſiſe, Juſtice of Gaole delyuerie, or Juſtice of peace within any of the kinges dominions, or being in anye other of the kinges commiſſions whatſoeuer ſhall fortune to be made, or created Duke, Archbiſhop, Marques, earle viſcount, baron, biſhoppe, knight, Juſtice of thone benche, or of the other, or ſergeant at lawe, or ſhirine, yet that notwithſtandyng, he and they ſhall remaine Juſtice and commiſſioner, and haue ful power and aucthoritie to execute the ſame in like maner & forme as he or they might, or ought to haue done before the ſame.

¶ And be it ordeined and enacted by the aucthoritie aforeſaide, that in all caſes, wher any perſone or perſones heretofore haue ben or hereafter ſhalbe founde guilty of any maner of treaſon, murder, manſlaughter, rape or other felony whatſoeuer, for the whiche iudgement of deathe ſhoulde or maye enſue, and ſhalbe reprieued to priſon without iudgement at that time geuen againſt him, her, or them ſo founde guilty, that thoſe perſones that at any time hereafter ſhall by the kings letters patentes be aſſigned Juſtices to delyuer the gaole, wher any ſuch perſone or perſons

sons founde giltye shall remaine, shall haue full power and aucthoritie to geue iudgement of death againste such person so found gilty & repried, as the same Justices (before whom suche personne or persones was, or were founde giltye) mighte haue done, if their commission of Gaole deliuerye had remained and continued in ful force & strength. And ouer that, that no maner of processe, or suite made, sued, or had before any Justices of assise, gaole deliuerye, Oier and terminer, Justice of peace, or other of the kinges commissioners, shall, ne in anye wise be discontinued by the makinge and publishing of anye newe commission or associacion, or by alteringe of the names of the Justices of Assise, Gaole deliuerye, Oier and terminer, Justices of peace, or other the kinges commissioners, but that the newe Justyces of Assise, Gaole deliuerye, and of the peace, and other commissioners maye procede in euery behalfe, as if the olde commissions, and Justices, and cõmissioners had stil remained & continued not altered.

Monasteries.

¶An acte whereby certaine Chaunteries, colleges, free chappelles, and the possessions of the same, be geuen to the kinges maiestie.
Añ. 1. E. 6. ca. 14.

¶Monasteries. 13.

THe kinges most louing subiectes, the Lordes spirituall and temporall, and the commons in this present parliament assembled, considering that a great part of superstition and errours in Christian Religion, hathe bene brought into the mindes and estimacion of men, by reason of the ignorance of their very true and perfite saluacion, through the death of Jesus Christ, and by deuising and phantasying vaine opinions of purgatorie, and masses satisfactorie, to bee done for them, whiche be departed. The which doctrine & vaine opinion, by nothinge more is maynteined and vpholden then by the abuse of Trentalles, Chauntries, and other pretensions made for the continuaunce of the said blindenesse and ignoraunce. And farther consideringe and vnderstandinge that the alteracion, chaunge, and amendement of the same, and conuertinge to good and godlye vses, as in erectinge Grammer Scholes for the education of youth in vertue and godlynesse,

lyneſſe, the further augmenting of the Vniuerſities, and better prouiſion for the poore and needie, cannot in this preſent Parliament bee prouided, and conuenientlye done, nor can not, ne ought to anye other maner perſone bee committed, then to the kinges highneſſe, whoſe Maieſtie, with, and by the aduiſe of his highneſſe moſte prudent counſaile, can and will moſte wiſely, and beneficially both for the honour of god, and the weale of his Maieſties Realme, order, alter, conuert, and diſpoſe the ſame. And callinge further to their remembraunce that in the Parliament holden at Weſtminſter the xxvij. yere of the raigne of our late Soueraigne Lorde kinge Henrye the eighte, father to our moſte dreade and naturall Soueraigne Lorde the kinge, that now is, [capit quarto.] It was ordeined, enacted, and eſtabliſhed amongſte other thinges, that all and ſingular Colledges, free chappelles, Chauntries, Hoſpitalles, Fraternities, Brotherheds, Guildes, and other promocions, mencioned in the ſaide former acte, had, or made to haue continuance in perpetuitye for euer, and then beinge, or that had, or ought to bee contributorye or chargeable to the payment of the firſte fruites and tenthes, accordynge to the lawes and ſtatutes in that behaulfe had, and made, by what name, ſurname, degree, or for poracion, they or any of them were founded ordeined, eſtabliſhed, erected, named, called

or knowen, and all and singuler the mansion houses, manours, or chardes, gardeines, landes, tenementes, pastures, woodes, waters, rentes, reuersions, seruises, commons, tithes pensions, porcions, churches, chappelles, aduowsons, nominacions, patronages, annuyties, rightes, interestes, entries, condicyons, leetes, courtes, liberties, priuiledges, fraunchises, and other hereditaments whatsoeuer then appertaining, or belonging, or that did appertaine, or belonge, or were assigned, or appointed to any such colledge, free chapell chauntrie, hospital, fraternitie, brotherhed, guilde, stipendarie priestes, or other the sayde promocions, or to any of them, or accepted, knowen, or taken as part, parcel, or member of them, or of any of them: & to the saide colledges, chauntries, free chapels, hospitalles, fraternities, brotherhed, guilde, stipendarye priestes, or other promocions, or to anye of them vnited or annexed, which betweene the fourth day of Februarie, in the xxbij. yere of the saide late kinges raigne, and the xxv. day of December in the xxxbij. of his graces raigne, by reason of any entrie, expulsiō, bargaine, sale, feoffement, fine, recouerye, leasse, or other conueyance thereof made, were dissolued, determined, or relinquished by any of the waies, meanes, or conueiances, mencioned in the said acte, or otherwise other then such of them, as then were in the possession of the said late king, or that were graunted or assured by his licence, agreement, consent

or

or letters patentes, to any person or persons or then had bene lawfully obtained, or recouered by any person, by any former right, or title, without fraude or couine, or by the kinges licence, shall from henceforth by auctoritie of the same former acte, be adiudged and deemed, and also bee in the verye actuall and reall possession and seison of the sayde late kinge and of his heires and successours for euer, in as large and ample maner, as the saide priestes, wardens, masters, ministers, gouernours, rulers, or other incumbents, or any of them, or the patrons, donours, or foũders of any of them at any tyme sithens the said fourth day of February in the xcvij yere aforesaide, had, occupied, or enioyed, or then had, occupied, or enioyed the same, and as though all and singuler the saide colledges, chauntries, hospitalles, free chapelles, fraternities, brotherhedes, guildes, and other the saide promocions, and the saide manours, landes, tenementes, hereditamentes, and other the premisses, whatsoeuer they be, and euerye of them, had bene in the saide former acte, specially, particularly, and certainely rehearsed, named and expressed, by expresse woordes, names, surnames, corporacyons, titles, and faculties, and in their natural kindes and qualities: the saide entries, expulsions, bargaines, sales, fines, feoffements, recoueries, or other assurance, and conueiance whatsoeuer they were, had or made (except before in the former acte excepted) to the con=

contrarye notwithstanding:

¶ And where also it was enacted & graunted by the saide late kinge, by the sayde former acte, that the same late kinge during his naturall life, mighte make and direct his commission and commissions vnder his greate seale, to entre into all and singuler suche and as manye Chauntries, free chappelles, hospitalles, colledges, and other the promocions, mencioned in the saide former acte, and into all and singuler such manors, mancions, houses, measses, landes, tenementes, pastures, woodes, waters, rentes, reuercions, seruices, possessions, and other hereditamentes, whatsoeuer, or into anye parte, or parcell thereof in the name, seasor and possession of all the hereditamentes, annexed, united, belonginge, or appertaininge to anye Chauntrie, hospitall, free chappell, colledge, fraternitie, brotherhed, guylde, or other the sayde promocions, or whereof anye prielles, prouostes, gouernours, rulers, or other incumbentes, of them, or anye of them, by what name, surname, degree, title, or corporacion they, and euery of them, or anye of them were founded, erected, ordeyned, established, named, called, or knowen, then had or occupied, or that hereafter shoulde haue, or occupye to the sayde chauntries, hospitalles, free chappelles, colledges, fraternities, brotherheddes, guyldes, or other the saide promocions that then were chargeable to the paymente of the

first

firste fruites, and tenthes: and all colledges that were chargeable, or not chargeable to the sayde payment of the firste fruytes, and tenthes as is aforesaide, or to any of them, as shoulde bee named, expressed and appointed in the sayde commissyon, or commissions, and to seyse and take the same chauntries, hospitalles, colledges, free chappelles, fraternities, brotherhedes, guildes, and other the said promocions, manours, landes, tenementes, and other the premisses, mencioned in the saide commyssion or commissions, and in everye of them, and everye parte, parcell and member of the same into the kinges possession and handes, to haue and to holde the same to the saide late kinge, and to his heyres and successours, for euer, as by the sayde former acte emongste other thinges more at large appeareth. It is nowe ordeyned and enacted by the kinge our Soucraygne lord with the assent of the lordes and commons in this present Parlyament assembled, and by the auctoritye of the same, that all maner of Colledges, free Chapelles, and chauntries, haulnge, being, or in Esse within fiue yeres nexte before the firste daye of this present Parliamente, whiche were not in actuall and reall possession of the sayde late kinge, nor in the actuall and real possession of the king our soueraigne lord that now is, nor excepted in the sayde former acte in fourme aboue saide, other then suche as

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by the kinges commissions in fourme hereafter mencioned shalbe altered, transposed, or chaunged, and all manours, landes, tenementes, rentes, tithes, pensions, porcions, and other hereditamentes, and thinges aboue mencioned, belonging to them or anye of them, and also al manours, landes, tenementes, rentes, and other hereditamentes, and thinges aboue mencioned by any maner of assurance, conueiance, will, deuise, or otherwise, had, made suffered, knowledged, or declared, geuen, assigned, limited, or appointed to the finding of any prieste, to haue continuance for euer, and wherewith, or whereby anye prieste was susteined, mainteined, or foūde w̄in fiue yeres next before ẏ first daye of this present parliament which were not in ẏ actual & real possession of ẏ said late king, nor in ẏ actual & real possession of our soueraigne Lord the kinge that now is, and also al annuall rentes, profites, and emoluments at anye time within fiue yeres nexte before the beginninge of this present Parliament emploied, paide or bestowed, towarde, or for the maintenaunce, supportacion, or findinge of any stipendary prieste, intending by anye acte or writing to haue continuance for euer shall by the aucthoritie of this present Parliament, immediatly after the feast of Easter next comming, be adiudged and demed, and also be in the very actuall and real possession and season of the kinge our soueraigne Lord and his heires, & successours for euer w̄out any

any office or other inquisicion thereof to bee had, or founde, & in as large and ample maner and fourme, as the priestes, wardens, maisters, ministers, gouernours, rulers, or other incumbentes of them, or anye of them, at any time within fiue yeres next before the beginning of this present parliament, had, occupied, or enioyed, or now hath, occupieth or enioyeth the same, and as though all and singuler the saide Colledges, free chapelles, chauntries, stipendes, salaries of priestes, & the said manours, landes, tenementes, hereditamentes, and other the premisses whatsoeuer they be, and euery of them, were in this present acte specially, particularly, and certeinely, rehersed, named and expressed by expresse wordes, names, surnames, corporacions, titles, and faculties, and in their natures, kindes & qualities.

¶ And ouer that be it ordeined and enacted by the auctoritie of this present parliament that where any manours, landes, tenementes, tithes, pensions, porcions, rentes, profits or other hereditamentes, by any maner of assurance, conueyance, will, deuise, or otherwise at any time heretofore, had, made, suffered, knowledged, or declared, were geuen, assigned, or appointed, to, or for the maintenace sustentacion, or findinge of one priestе, or of diuers priestes for terme of certaine yeres, yet continuing, and that any priestе hath ben maintained, sustened, or founde with ȳ same or with the reuenues or profits therof with

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in fyue yeres laste paste that the kinge, from the saide feaste of Easter nexte commynge, shall haue and enioy in euerye behaite, for, and durynge all suche time to come, euerye suche and like thinges, tenementes, hereditamentes, profites, and emolumentes, as the prieste or prieستes ought, or should haue had for or towarde his, or their maintenaunce, sustenaunce, or findinge, and for no lenger, or further time, nor for anye other profite, aduauntage or commoditie therof to be taken.

¶ Prouided alwaies, and it is ordeined and enacted by the auctoritie of this present Parliament, that when and assoone as the time assigned, for the maintenaunce, sustentacion, or finding of the prieste or prieستes shall be expired and runne, that then it shall be lawfull to euerye person and personcs, to whom any manours, landes, tenementes, tithes, pozcions, pensions, rentes, and other hereditamentes, or any of them shoulde haue belonged, or apperteined if the saide former acte and this acte had neuer bene had or made, to enter into, take, perceiue, haue and enioy the same without any maner of inuery, Duster le maine, petition, or other suit to be made to the kinge, in like maner, forme, and condicion, to all intentes, constructions, and purposes, as though the saide former acte, and this acte had neuer bene had, or made, and as thoughe the kinge had neuer had anye season or possession thereof, any thing

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in the sayde former acte or in this acte, to the contrarye in anye wyse notwythstanding.

¶ And be it ordeined and enacted by the auctority of this present Parliament that the king our soueraigne Lorde, his heires and successours from the saide feaste of Easter nexte commynge, shall haue, holde, pertayne, and enioy for euer, all, landes, tenementes, rentes, and other hereditamentes, which by any maner of assurance, conueyance, willes, will, deuise, or otherwise, at any time heretofore hed, made, suffered, knowleged, or declared, were geuen, assigned, or appointed, to goe, or be emploied, wholly to the findinge or maintenaunce of any annuersarie, or obite or other like thing, entente, or purpose or of anye lighte, or lampe, in anye churche or chappell, to haue continuaunce for euer, whiche hath bene kepte, or maintined within fiue yeres next before the said first day of this present parliement.

¶ And also that where but parte of the issues, or reuenues of anye maneurs, landes tenementes, rentes, or other hereditaments, nowe by any of the waies or meanes aboue saide bee geuen, assigned or appointed to be bestowed, or employed to the findynge, or maintenaunce of anye annuersarye, or obyte or other like thinge, intente, or purpose, or of anye lighte or lampe in anye churche or chappell, and to haue continuance for euer, that then our Soueraigne Lorde

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the king shall from the saide feast of Easter next comming for euer haue, perceiue, and enioy euery such summes of money, that in any one yere within fiue yeres next before ỹ first day of this present parliament, hath ben expended and bestowed about the findinge or maintenaunce of any such anniuersary, or obite, or other like thing, intent, or purpose of any light, or lampe, to him, his heires, & successours for euer, as a rent charge to be paid yerely at the feastes of Saint Michaell the Archangell, and the Annunciation of our Lady Sainte Marye the virgine, by euen porcions in the kinges court of the Augmẽtacions, and reuenues of his crowne, or in anye other courte or courtes, as the kinge hereafter shall appoint. And that it shall bee lawfull to our saide soueraigne Lorde the king, his heires & successours, for none payment of any such summe or summes of money, to distreine in the said manours, landes, and tenementes of the issues and reuenues, whereof the saide anniuersary, or obyte, or other like thing, or any such light or lampe was founde, susteined, or maintained. And that for lacke of sufficient distresse, in or vpon any of the premisses, whereof any of the saide yerelye rentes, or summes of money shoulde be paide by the space of one monethe next after, that any of the saide rentes should be paide, and be not paid within the said moneth, that then it shalbe lawfull to, and for our soueraigne Lorde the kinge, his heyres

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and successours by vertue of this present act to enter into, and to haue, and possesse, as muche of the landes, tenementes, and hereditaments, whereof the said rent, or rentes shoulde bee leuyed, or paide, as the rente or rentes that shoulde be leuied, or payed oute of the same, doth or shall amount or come to in yerely value, and the same landes, tenementes and hereditamentes, to holde and keepe, and to haue /to/ our sayd soueraigne lorde the kynge, hys heires and assignes for euer, or for suche estate as oure soueraygne lorde the kynge, hys heires, or successours, had, or ought to haue had, of, or in the saide rent, or rents.

And it is also ordeined and enacted by the authoritie of this present parliament, that our soueraigne lord ỹ king, shal from ỹ said feast of Easter next cominge, haue, perceiue and enioy all and singuler suche summes of money, profytes, commodyties, and emoluments, whiche by vertue of anye manner of assuraunce, conueighaunce, composicion, will, deuise, or otherwise, heretofore, haue ben geuen, assigned, limitted or appointed to haue continuance for euer, whiche in any one yeare, within fiue yeres, next before the beginning of thys present parliament, haue ben payed, bestowed, or employed, by anye manner of corporations, guyldes, fraternyties, companies, or felowships of misteries, or crafts, or any of them, being in England Wales, and other the kings dominions, or

by the masters, wardeines, gouernours, or other officers, or ministers, or by the master, warden, gouernour, or other officer or minister of them, or any of them, toward, or about the findinge, mainteynaunce, or sustẽtation of any prieſt or prieſtes of anye annyuersary or obit, lampe, light or lyghtes, or other like thing, as is aforesaide, to our said soueraigne lorde the king, his heires, and succeſſours for euer: to bee payde yerely, as a rent charge, at the feastes of Saint Michaell the Archangell, and the Annuntiation of oure Ladye, by euen porcyons, in the kynges court of Augmentations and reuenues of his crowne, or in any other courte, or courtes, as the kynge hereafter shall appoynt. And that it shalbe lawfull to oure saide soueraigne lorde the kyng, hys heires and succeſſours, for none payment of anye suche summes, or summe of money, profyte commoditie, or emolumente, or for none payment of any of them to diſtreigne in all the manours, lands, & tenements, of euerye suche craftes, corporations, guildes, fraternities, companyes or felowshipps of mysteryes or craftes, or any of them, by whom, or by the masters, wardens, gouernours or other offycers or ministers, or master, warden, gouernour or minister, of the which any suche summes or summe of money, profit commoditye or emolument, haue or hathe been payed, beſtowed or employed: And that all and euerye of the sayde summes of money,

money, profites, commodityes, and emolumentes, shall from the feast of Easter next comming, without any manner of inquisition or office to bee had or founde, bee iudged and deemed, to be in the actual and real possession of our said soueraigne lorde the king, in like maner and fourme to all intents, construction & purposes, as if the same had been particularly and specially mencioned in this present act.

¶ And furthermore bee it ordeyned and enacted by auctoritie aforesayde, that the kyng our soueraigne lorde, shall from the saide feast of Easter next comminge, haue, and enioye to hym, hys heires and successours for euer, all fraternities, brotherheds and guildes, beynge within the realme of Englande and Wales, and other the kyngs dominions: and all manours, landes, tenementes and other hereditamentes, belōgyng to them, or any of them, other then such corporations, guyldes, fraternities, companies and felowships of mysteries or crafres, and the manours, landes, tenementes and other hereditamentes, pertcyning to the saide corporations, guildes, fraternities, companyes, and felowshyps of mysteries or crafres aboue mencioned) and shall by vertue of this acte bee iudged and deemed, in actuall and realt possession, of oure sayde soueraygne Lorde the king his heires and successours, from the said feast of Easter next comming for euer, without any inquisitions or office

thereof to be had or found &c. diuers things touching commissions, for the surueye & disposition of the premisses.

¶ And also bee it ordeined and enacted, by thaucthoritie of this present parliament, that our soueraigne lorde the king shal haue and enioy all suche goods, cattels, iewels, plate, ornaments, and other moueables, as were or bee the common goods of euery suche colledge, chauntrye, free chappell, or stipendary priest, belonging or annexed to the furniture or seruices of their seueral foundacions, or abused of any of the said corporations, in the abuses aforesaide, the property wherof was not altered nor chaūged before the eight day of December in the yeare of our lorde God M.D.xlvij.

And it is also ordeined & enacted by thauctho-ritie of this present parliament, that all suche debtes and sūmes of money, as ought or shoulde without fraude or couin hereafter bee paied of the money or goods of anye of ẏ said colledges, due, or paiable, by reason of anye contract, specialtye or promise, had or made, before the same eighth daye, shall truely and fullye bee payed by the treasorer of the kyngs court of thaugmentations and reuenues of hys crowne, or by the treasorer or receyuer of anye other courte, to which any of the premisses shalbe appoynted of the kinges treasure, bring in his or their hands, with as conuenient speede, as the same may bee payed.

¶ Prouided

¶ Prouided alwaies, and bee it ordeyned and enacted by the auctority aforesaid, that this acte, or any article, clause, or matter cõteyned in the same, shall not in anye wise extende to anye colledge, hostell, or hall, being within eyther of the vniuersities of Cambridge and Oxforde, nor to anye chauntrye founded in any of the colledges, hostelles, or halles, being in the same vniuersities, nor to the free chappell of Saynt George, the Martir, situate in the castle of Wyndsore, nor to the colledge, called saint Marye colledge of Wynchester, besides Winchester, of the foundation of Byshop Wykham, nor to the colledge of Eaton, nor to the parishe churche, commonly called the chappel in the sea in Newton, wythin the Isle of Elye, in the countye of Cambridge, nor to anye mannours, landes, tenementes or hereditamentes to them, or to any of them, pertayninge or belonginge, nor to any chappell, made or ordeined, for the ease of the people, dwelling distaunt from the parishe churche or suche like chappell, whereunto no more lands, or tenements, then the churchyarde, or a little house or close, doth belong or perteyne, nor to any cathedrall church or colledge, where a Bishops sea is within thys realme of Englande, or in Wales, nor to the manours, landes, tenementes, or other hereditaments of anye of them (other then to suche chauntryes, obites, lights and lamps, or any of them, as at any time within fyue

peres next before the beginning of this present parliamēt, haue ben had, vsed, or mainteyned within the saide cathedrall churches, or within any of them, or the issues, reuennes or profites of anye of the saide cathedrall churches, to which chauntries, obytes, lyghts and lampes, it is enacted by the auctoritie aforesaid that this act shal extend.

¶ And it is ordeyned and enacted by the auctoritie aforesaide, that our soueraigne lorde the king at anye time during hys lyfe (whiche God long preserue) may at his will and pleasure, alter and chaunge the name or names, of all and singuler chauntries, and the foundations of the same, beynge in any of the colledges, hostelles or halles of any of the sayde vniuersities, accordynge as to his godly wisedome shalbe thought mete and conuenient.

Sauing to al and euery personne and persones, bodies politike and corporate, theire heires and successours, and the heires and successours of euery of them (other then the masters, wardens, ministers, gouernours, rulers, priestes, incumbentes, fellowes, and brethren of the saide colledges, chauntries, free chappels, and other the premisses geuen, limytted or appoynted to the kynge by this acte: and the successours of them, and euery of them, and other then suche as bee, or pretende to bee foundours, patrones, or donours of the premisses, or any of them, or of any part or parcell thereof, & the heirs

successours

successours and assignes of euery, or any of them: and other then suche as bee, or were feoffees, recoueries, conisies, grauntees or deuisees of anye of the premisses, to, or for anye of the vses, purposes, or entents aboue mentioned, or to the vse of anye of the saide colledges, free chappels, chauntries, or other the premisses, geuen, limitted or appoynted by this acte to the king, or to the entent to employe the rentes or profites therof, to the vse of masters, rulers, incumbentes or ministers of them, or any of them: and other then suche persone and persones, and bodies politike and corporate, their heires, successours and assignes, as claime or pretende to haue estate, ryghte, title, interest, vse, possession or condicion, of, in, or to the premisses or any part or parcell therof, by reason of any feoffement, fine, bargaine and sale, or by any other wayes, meanes or conueighance to them made, of any estate of enheritaunce without the saide late kings licence, assent, consent or agreement, and without the licence, assent or agreement, of the kynges maiestie that nowe is; by anye of the saide deanes, masters, wardens, ministers, gouernours, rulers, priestes or incumbents, or by ỹ foundors, donours or patrones of thē, or of anye of them, all suche ryghte, tytle, clayme, possessyon, interest, rentes, annuityes, commodityes, commons, offices, fees, leases, liueries, liuings, pencions, portions, debtes, dueties, and other profytes,

which they or any of them lawfully haue, or of ryght ought to haue, or might haue had, in of, or to any of the premysses, or in, of, or to any part or parcell thereof, in suche like maner, fourme and condicion, to all ententes, respects, constructions, and purposes, as if this acte had neuer been had nor made, and as though the sayde chauntries, colledges, and other the sayde promotions, had stil cõtinued and remayned in their full being: and sauing to all and euerye patrone, donour, foundour, or gouernour of anye suche colledge, chauntrye, free chapell, stipendarye prestes, and other the premisses, geuen, ymitted, or appoynted to the kyng by this act and the donour, feoffour, and geuer of the aforesayde landes, tenementes, or hereditamentes, to them or any of them, or to anye vses, or purposes before mencioned, all such rentes, seruices, rentes secke, rents charge, fees, annuities, profites, and offices: and also lease for terme of life, liues, and yeares, wherevpon the accustomed rent, or more, is reserued, as they or anye of them lawfullye had, perceiued, and enioyed, in, out, or of any the sayde promotions, or out of any of ỹ sayd landes, tenements, or hereditaments, before the first day of this present parliament.

And ouer that, it is ordeined &c. that those then liuing whiche had receiued any money for any of the premisses, should repay it, & of one clause that the premisses shalbe in ỹ survey & order of ỹ court of Augmentation.

And

¶ And it is further enacted by aucthority aforesaid, that if any of ye said masters, wardeins, ministers, rulers, gouernours, priests incumbents, or owners of any such colledge chauntrie, free chappell, or of any the premises, geuen, limitted, or appointed to the king by this acte, or of anye of them, sithens the xxiij. daye of Nouembre, in the seuen & thirty yere of the reigne of the saide late kynge, haue made any lease, vnder his or their common seale or otherwise, for terme of yeares, life, or liues, of their saide colledges, chauntries, freechappels, or of other the same premisses, or of any part thereof, or of any manours, landes, tenements, possessions, or hereditaments, whatsoeuer they be, to them, or to any of them, vnited, or annexed, belōgyng or apperteyning, vppon the whiche leasses, the vsuall and olde rentes and fermes, accustomed to be yelden and reserued, or more, by the space of twenty yeres next before the said. xxiij. day of Nouembre, not reserued & yelden, shalbe vtterly voide and of none effect: and that all other leasses and grauntes heretofore made of any the premisses, geuen limitted, or appointed to the kynge by thys acte, shalbe as good, auailable, and effectual in the lawe, to all intentes, constructions, & purposes, as if this act had neuer ben had, or made, any thing in this act, or any other acte heretofore had or made, to the contrary ther of, in any wise notwithstanding.

¶ Prouided alwaies, & bee it further ordeyned

deyned and enacced by the auctthoritie aforesaide, that this act or any thing therein conteyned, shall not extende to anye manours, landes, tenements, possessions or heredytamentes, whiche the saide masters, wardens ministers, chauntrie priestes, incumbentes, or other the saide gouernours, officers, ministers or rulers of ye premisses, or of any of thē, hath, or is, or hereafter shall haue, or be possessed, or seased of in fee simple, fee taile generall, or speciall for terme of life, terme of yeres or otherwise, to his or their owne propre vses, by enheritance or purchase: and not being at any time vnited or annexed, to hys or their saide colledges, free chappels, chauntries, or other the premisses, geuen, limitted or appointed to the kyng by this act: nor shall extende to anye manours, landes, tenementes, possessions, rentes, annuities and yearelye pencion or pencions, or to any yerely summe or summes of money, beynge not vnited, or parcell of any of the sayd colledges, and other the premisses aforesayde, or of anye of them heretofore geuen or graunted by the sayde late kynge or geeuen or graunted, or hereafter to bee geuen or graunted by the kyng our soueraygne lord, to anye of the saide deanes, masters, wardens, ministers, chauntrie priestes, incumbentes, gouernours or rulers of the premisses, or of anye of them, for terme of lyfe onelye, vnder hys great Seale of Englande, or vnder the seale of the court of the Augmentations, & reuenues of the kinges

crowne

crowne, or any other of the kynges seales of any of his courtes: anye thinge contemed in this act, to the contrary in anywise notwithstanding.

¶ Prouided alwaye, and be it enacted by aucthoritie aforesaid, that alwell al and euery patrone, donour, foundour, and geuer of any of the saide premotions or premisses, or geuer, donour, or foffer, of any their lands, tenemēts, possessiōs, or other hereditamēts, as all and euery personne and personnes, bodies, politike and corporate, whiche before the making of this acte, lawfully wythoute fraude or couin, had or enioyed, any manner of rent, or other perely profites, to be taken perceiued, or had, of anye chauntries, colleges, free chappelles, or other the premisses geuen, limitted or appointed to the kyng by this acte, or out of anye mannours landes, tenementes or other possessions of them, or any of them shall haue and enioye the same in like manner and fourme, as they should and ought to haue done, if the sayde colledges, chauntries, free chappels, & other the premisses geuen, limitted or appoynted to the kynge by this acte, had still remained and continued in esse, and full beinge: anye thing in this act mencioned to the contrarye in any wise notwithstanding.

¶ Prouided also, and be it enacted &c. a discharge of those first fruites whiche after ye first day of this parliament shoulde growe due for the premisses.

¶ Prouided

¶ Prouided alwaies, & be it enacted, by ye aucthority aforesaid, ye al such rents, seruices issues, profits, & other sūmes of money payable out, of, or for any of the premisses, or any of thē, in the kinges court of his Exchequer, shal continue, & be continually & yerely leuied, charged, or paied in the same court in such manner & fourme, as heretofore hath ben vsed: any lawe, custome, vnitie of possession in the kinges highnesse, or other thing to the contrary notwithstanding: And as though the saide promotions, mannoures, landes, tenements, and other the premisses had not come to the kynges handes or possession.

¶ And be it further enacted by ye auctho-ritie aforesaide, that al & euery letters patēts made by the said late king Henry the eyght, or by the kings maiesty ye now is, or hereafter to be made by his highnes, to any person or persons, or to anye archbishop, or byshop, of any of the sayd colledges, chauntries, free chappels, or other the premisses, or any part or parcell of them, or of any lands, tenemēts or hereditaments, belōging or appertaining, or that did belong, or apperteyne to them, or to any of them: And all fynes, gyftes, grauntes, feoffementes, recoueries, and all other assurances and conueyghaunces therof had or made, by the assent, consent, or lycence, vnder the great Seale of England, of the sayde late king Henry the eight, or of the kings maiestie that nowe is, to any persons

or per-

or persones, bodies politike or corporate, by any chauntry priest, master, wardeine, mynister, ruler, gouernour, or other hauing any of the sayde promotions, of any of the saide colledges, chauntries, free chapels, or other the premisses, or of any of them, or of anye part, parcell, or membre of the same, shall stand and bee in their force, and effects, and shalbee good and effectuall in the lawe, for suche estatutes and interestes, geuen, granted, limitted, or appointed, in any of ỹ gyfts, grauntes, assurances, or conueighances ther of had or made, according to their purports, fourme and manner, and according to the true entent and meaning of the same assurances, and shalbe by auctherytie of this act good, parfite, and auailable, aswell agaynst the king, his heires and successoures, as agaynst the saide chauntry priestes, wardeins masters, rulers, gouernours, and other hauing anye of the saide promotions, and their successours, and the successours of euery of them: as also agaynst the foundours, donors and patrons of the same, and the ordinaryes of them, and euery of them, and the heyres and successours of euery of them: any lawe, statute, ordinance, or other thing, to ỹ cõtrary therof notwithstanding.

And where dyuers and sundry byshops, deanes, archdeacons, treasaurours, prebendaryes, chauntrie prysests, masters, prouosts rulers, gouernours of anye deanries, archedeanries, treasourorships, prebendes, free-

chappels,

chappelles, chauntryes or colledges, with-
in thys realme of Englande, and other the
kynges maiesties dominions, or any of the
patrones, foundours, donours of anye of
the Bysshoprycks, treasaurourshyps, dean-
ryes, chauntries, free chappelles, or other
the sayde spirituall promotions of their vo-
luntarye willes or myndes, for diuers good
and reasonable causes and considerations,
by deede or deedes enrolled, or by other wri-
tynges or conueighaunces heretofore gee-
uen and graunted to the late kinge of fa-
mous memorye Henrye the eight, late king
of Englande, and to his heires, or to our so-
ueraigne lorde the king that nowe is, and
to his heires, dyuers of their deanries, arch-
deanries, treasaurourshyps, prebendes,
chappelles, chauntries and colledges or any
other ecclesiasticall or spirituall promocy-
ons last before remembred and all, or some
part of the mannours, landes, tenements,
tythes, pencyons, annuities, rentes, re-
uersions, and other reuennes, heredyta-
mentes, possessions, emolumentes and pro-
fites, to the same bysshoprycke, deanrye,
colledges and other lyke promotions, bene-
fices, offyces and dignities, or to anye of
them belongyng, appertayning, vnited, or
annexed, or whiche the sayde bysshops, dea-
nes, archedeacons, treasaurours, chauntrie
priestes, masters, prouostes, rulers, go-
uernours, and other ecclesiasticall or spiritu-
all officers or ministers, or any of the saide

patrons

patrones, donours or foundours, or anye of them had, or enioyed in the right, or by reasō of any of the same promotions, offyces, or dignities.

¶ Be it enacted by the aucthoritie aforesayde, that all and euerye giftes & graunts heretofore made to the saide late kyng, and to his heires, or to our soueraigne lorde the king that now is, and to his heires, by any archebyshop, byshop, deane, archedeacon, treasaurour, prebendarye, master, prouost, gouernour, or other the saide ecclesiasticall or spirituall personne or persones, or by any patrones, donour, or foundour of any of the sayde deanries, chauntries, or other of the saide spirituall or ecclesiasticall promotions, or of all, or any of the mannours, landes, tenementes, tithes, rentes, reuersions, pencyons, porcions, annuities, or other hereditamentes, reuenues, emoluments, profites or commodities to any of the saide benefices, offices, prebendes, promotions or dignities belonging, apperteining, vnited or annexed, or whiche any of the same archbyshops, byshops, deanes, archedeacons, treasaurours masters, ꝓuosts, prebēdaries, rulers, gouernors, officers, or ministers, patrons, foundours or donours, had, or enioyed, or haue, or enioy, or ought to haue or enioy, in ẏ right or by reason or meanes of any of ẏ same promotions, offices or dignities, shalbe good & effectual in ẏ law, to al intents & purposes:

Sauing

Sauing to all and euery person and persõs, and bodies politike & corporate their heirs, successours, & assignes, & to the heires, successors, and assignes of euery of them (other then the archbishops, bishops, deanes, archdeacons, treasaurours, prebendaries, rulers gouernours, wardeins, prouosts, geuours, & grauntours of any of the premisses, & their heirs, successours, and assignes, & other then such ecclesiasticall or spirituall persones, bodies politike or corporate, as are, or pretend to be foundours, doneurs, patrons, or ordynarpes of the premisses, or anye of them) all suche ryghtes, titles, interestes, claimes, entrees, rentes, reuersions, remainders, fees, offices, annuities, landes, tenements, hereditaments, profites, commodities, and emoluments, as they or anye of them haue, or should, or ought to haue had, of, in, or to the premisses nexte aboue mencioned, or anye parte thereof, as yf thys acte had neuer been had or made, anye thynge in thys acte to the contrarye in anye wyse notwithstanding.

¶ Prouyded alwaies, that this act, or any thyng therin conteined, shal not in any wise extend to make good or effectual, anye gyft, graunt, bargain, sale, or alienation made by any pso, or vicar of their personages, or vicarages, or of any part or parcel therof, or of any thing to them, or any of them belonging or apperteining.

¶ Prouided also, ỳ this acte, or any thing

therein

therin contained, shal not in any wise extend to hinder or prejudice George brooke knight lord Cobham, his heires or assignes, for, or concerning the late college of Cobham, in ỹ county of Kent, or the manours, landes, tenements or possessions therof, any thing aboue mencioned to the contrary in any wise notwithstanding.

¶ Prouided also, and be it enacted, by the auctoritie aforesaide, that this present acte or any thing therin contained shall in anye wise extende, or be prejudiciall or hurtfull to the generall corporacion of any Citye, Borroughe, or Towne, within this Realme, or any other the kinges, dominions, ne. shal extende to any the landes, or hereditamentes, of them, or anye of them, any thinge herein contained to the contrary in anye wise notwithstanding.

¶ Prouided also and be it enacted by the auctoritie aforesaide, that all suche of the saide colledges, free chappelles, chauntryes, and other the premisses, being appointed and geuen to the kings highnes, by auctority ỹ of this act, as be within the Duchy of Lancaster, and all manours, landes, tenements, and hereditaments, pertayninge or belonginge to the same colledges, free chappelles, and chauntries, shall after the said feaste of Easter next comming, be within the surueye and order of the court of the Duchy of Lancaster, in suche maner and fourme, as other the premisses bee assigned or appointed by

aucthoritie of this acte, to bee in the surueye and order of the courte of Augmentacions and reuenues of the kinges crowne, or other courte by the kinge to be assigned: and that all commissions, that hereafter shal be awarded by vertue and force of this acte, concerninge such colledges, free chappelles, chauntries, and other the premisses, as be wythin the sayde Duchie of Lancaster, shall bee awarded vnder the greate seale of Englande and shall bee certifyed into the same court of the Duchye of Lancaster, anye thinge aboue sayde to the contrarye in any wise notwithstandinge.

¶ Prouided alwaies, and be it enacted by the aucthoritie aforesaide, that this acte, ne any thinge therin contained, shall extende to the Colledge, or chauntrey of Attilborough in the County of Norfolke, which the said late kinge Henry the eight gaue to Robert, Earle of Sussex, and to his heires, but that Henry now Earle of Sussex, sone and heire to the said late Earle, his heires and assignes shall and may by thaucthoritie of thys acte, haue and enioy the said colledge, and chauntrie, & all manours, landes, tenementes, aduowsons, tithes, pencions, porcions, & other hereditamentes, thereunto belonginge or appertaininge, anye thinge in this acte, to the contraye in anye wyse not wythstandinge.

¶ Prouided alwaies, and by the aucthority aforesaide, be it enacted, that the kinges

Maiesty

Maiestye, at anye time when it shall seeme to him good, may geue auctoritie to certain his graces commissioners, to alter the nature and condicion of all maner of Obytes, aswel within the vniuersities of Cambridge and Oxforde, as in anye other place, within this his graces Realme of Englande, and wales, beinge not suppressed ne annichilate by vertue of this present acte, and the same Obites so altered, to dispose to a better vse, as to the reliefe of some poore men being studentes, or otherwise.

¶ Prouided also, and be it enacted by auctoritye aforesaid that it shall not bee lefull to any persone or persons, bodies politike or corporate, by reason of anye remainder, vse, or condicion, to enter into claime, or challenge anye landes, tenementes, or hereditamentes, for the none doynge, not naminge, or none findinge of anye suche preeste or priestes, or poore folkes, as is aforesayde, obite, anniuersary, light or lampe, from hence forth to be founden or doen, anye thinge here in contained to the contrarye in anye wyse notwithstandinge.

¶ Prouided alwayes, that this acte, nor anye thinge therein contained, shall in anye wise extende to anye landes, tenementes, possessions, or hereditamentes, whatsoeuer that anye Master, Deane, Prebendarye, wardein, or chauntrie, or anye stipendarye prieste of any colledge, chauntrye, prebende fraternity, guyld, or any other corporacions

haue, or holde of any persone or persones, by copy of courte rolle, or at will, according to the custome of any manour or manours, nor gene or graunt anye copyholde landes to the kinges highnesse.

¶ And also prouided, that the kings highnes, his heires or successours, shall not in any wise haue, holde, enioy, or take by vertue of this acte, or anye article therin contained, any maner of copyholde, lands, tenementes, possessions, or hereditamentes whatsoeuer they be, but that all and euerye of the sayde persones and incumbentes shall haue, hold, and enioye the same duringe their liues, towardes their pension, and perely liuing, paying the rentes and doinge their customes and services thereof due and accustomed. any thinge in this acte, to the contrarye notwithstanding.

¶ Prouided that this acte shall not extend to any landes, tenementes, or hereditamentes, assigned, appointed, or intended for the finding or maintenaunce of any chauntrye, prieste, or stipendary priest, which by anye former right, and good title, without fraude or coume, were lawfully recouered from the possession of anye suche chauntrie prieste, or stipendarie prieste, before the first day of October: the saide xxxvij. yere of the raigne of the saide late kinge Henry the eight, whiche landes, tenementes, and hereditamentes, were not charged nor chargeable to the payment of the perpetuall tenthe: any thinge in this

this acte.to the contrary hereof notwithstanding.

¶ Prouided alwaies,and be it enacted by the auctority aforesaide,that all and singuler grauntes, licences, confirmacions, and letters patentes,whiche our late soueraigne Lorde kinge Henrye the eight, or our soueraigne lorde the king that now is, haue made vnder the greate seale of Englande to anye persone or persones,bodies, politike, or corporate,of any colledge,chappell,or chauntry now beinge in esse,or standinge, or now not being in esse,or not standing,or of any lordeshippes,manours,landes, tenementes, and hereditamentes,annexed,vnited, belonging, or apperteining to any colledge, chappell,or chauntrie now being in esse,or standinge,or now not being in esse,or not standinge.or of any other thing or things mencioned,expresed,or conteined in any such graunt, licence, confirmacion,or letters patentes,shal from henceforth bee demed,taken,expounded,and adiudged good and effectuall in the law, according to the wordes,sentences,meanings, ententes,fourme, and effectes of the same graunts,licences,confirmacions,and letters patentes,to all intentes, constructions, and purposes,as if this acte, and the saide acte made in the saide xxxvij.yere of the said late kinge Henry the eight, had neuer bene had, nor made: And that this acte,or the said act made in the saide xxxvij.yere of the raigne of our said late soueraigne lorde king Henry the

eight, or any clause, article, sentence, or other thing therin contained, shall not extende to anye Colledges, chappelles, chauntries, or other thinge or thinges mencioned in thys acte, now being in esse, or standing, or nowe not being in esse or not standing, or to anye manours, landes, tenements, possessions, reuenues, or hereditamentes, annexed, united, belonginge, or appertaininge to any colledge chappell, chauntrie, or other thinge mencioned in this acte nowe beinge in esse or standinge, or now not beinge in esse, or not standinge, or to any other thing or thinges, mencioned, or expressed in this acte: whiche anye persone or persones, bodies, politike or corporate haue had, or obtained, by the assente, licence, confirmacion, graunt, or letters patentes of the said late kinge, or of the kings Maiestie that now is, nor shall extende to anye manours, landes, tenements, reuenues possessions, hereditamentes, or other thinge or thinges, mencioned, expressed, or contayned in anye suche licence, confirmacion, graunt, or letters patentes, but that euery suche persone and persones, bodies, politike and corporate, their heires and successours and assignes, and the heires, successours, and assignes of euerye of them, shall haue, holde, and enioye, al and euery the same colledges, chappelles, chauntries, manours landes, tenementes, reuenues, possessions, and hereditamentes, and al and euerye other thinge and thinges, whatsoeuer, so by them

had

had or obtained, by the assent, licence, confirmacion, graunt, or letters patents of the saide late kinge, or of the kinges Maiestye that nowe is, accordinge to the wordes, sentences, fourme, effecte, meaning, and intent, of the same licences, confirmacions, graunts and letters patentes, this acte, or the sayde act made in the said xxxvij. yere of the raigne of the saide late kinge Henry the eight or anye clause, article, sentence, matter, or thinge mencioned, expressed, or contained in anye of the same actes, to the contrarye thereof in anye wise notwithstandinge.

¶ Offices.

¶ An acte touching the findinge of offices before the Eschetour. Anno secundo Edwardi. 6. Cap. 8.

¶ Eschetours. 15.

WHere many and dyuers persones, holding, or that haue holden, lands, tenements, or hereditaments some for terme of yeres, & some by coppe of court rolle, haue ben expulsed, and put out of their termes and holdes, by reason of Inquisicions, or offices, founden before Eschetours, commissioners, and other, conteininge tenures

res of the king in capite, entitlyng the kinge to the wardshippe or custody of such lands or tenementes, and sometime entitlinge the king to the same, vpon attaindours of treason, felonye, or otherwyse, by reason that suche leases for terme of yeares, or interest by copye of courte rolle, of such persons haue not bene founde in such inquisicions or offices: after whiche expulsion or puttinge out, the said persones haue bene without remedy, for the obteining of the said fermes & holdes, during the kinges possession therein, and can haue no trauers, Monstrance de droit, ne other remedye for the same, because their saide interest, is but a chatell in the law or customarie holde, and no state of free holde. And also, where anye personne or persones, hath any rent, common, office, fee, or other profite Apprender, of anye state of free holde, or for yeres, or otherwise out of such landes, or tenementes specified in suche offices, or inquisicions the saide rent, cōmen office, fee, or profite, Apprender, not found in the same office or offices, suche persones are in like maner without remedye, to obtayne or haue, the saide rent, common, office, fee, or profite Apprender, by any trauerse, or other spedy meane, without great & excesse charges, during the kinges interest therein, by force of such inquisicion or office.

¶ For remedye whereof, be it enacted by aucthoritie of this present parliament, that where any such office or inquisicions, is or

shalbe

shalbe founden, omittinge suche titles, interestes, or matters, as is aforesaide, that in al such cases, euery leassee, tenaunt for terme of yeres, or copyholder, and euery such persone or persones, that haue or shall haue, any interest to any rent, common or profite Apprẽder for terme of yeres, life, or otherwise, out of any of the landes, tenementes, or hereditamentes contained in such office or inquisition, where the king his heires or successors is or shall be entitled, as is aforesaide, to any such landes, tenementes, or hereditamentes, shall haue, holde, enioy, and perceiue, all and euery their leasses, and interestes, for terme of yeres, or by copy of court rolle, rentes, cõmons, offices, fees, and profit Apprender, in suche maner, forme, state and condicion, as they and euerye of them, should or might, haue done, in case there had bene no such office, or inquisicion found, and as they should or lawfully might, or ought to haue done, in case such lease, interest by copy of court rolle rent, common, office, fee, or profite Apprender had bene founden in such office, or inquisition, any lawe, custome or vsage to the cõtrary heretofore vsed in suche cases, in anye wise notwithstanding.

¶ And also, where it is or shal be founden for the king, his heires or successours, that the heire or heires of his tenaunt, or tenants is or shall bee within age, where in deede such heire or heires is, or shal be at the same time of full age, or of a more or greater age, then

then is or shall bee conteined within suche office.

¶ Be it further enacted by the aucthority aforesaide, that in euery such case, such heire and heires, shall and may at his or their very ful age, or after persecute [alias prosecute] a writte of Estate probanda, and sue hys or their liuerye, or Duster le maine, as hys or their cases shall lye, and haue the profites of his or their landes, tenementes, or hereditamentes, from the time of his or their verye full age, anye suche vntrue office or inquisicion, or any lawe or custome to the contrary in any wise notwithstandinge.

¶ Also where one persone or moe, is or shall bee founden heire to the kinges tenant by office or inquisicion, where any other persone is, or shall be heire, or if one persone or moe, be or shalbe founden heire by office, or inquisicion, in one countye, and another person or persons is or shalbee founden heire to the same persone in another county, or if any person be, or shalbe vntruely founden lunatique, ideot, or deade. Be it enacted by the auctho-rity aforesaide, that euery person & persons, greued, or to be greued by any such office or inquisicion, shall and may haue his or their trauers to the same, immediatly, or after, at his or their pleasure, and proceede to trial therin, and haue like remedye and aduauntage, as in other cases of trauers vpon vntrue inquisicions or offices founden, any law, vsage, or custome to the contrary in any wise

wise notwithstandinge.

¶ Also where it is or shal be hereafter vntruely founden by office or inquisicion, that any person or persons atteinted, or that shalbe atteinted, of treason, felony, or præmunire, is or shalbe seaseo of any landes, tenements, or hereditamentes, at any time of such treasō felony, or offence, committed or done, or any time after, whereunto any other persone or persons hath, or shall haue, any iust title or interest of any estate of free holde, that then in euery such case, euery person & persōs greued therby, shal haue his or their trauers, or Monstrāce de droit to the same, & out being driuen to any peticion of right, & like remedy & restitucion, vpon his or their title, founde or iudged for him or them therin, as hath ben accustomed & vsed, in other cases of trauerse although the kinges maiestye, his heires, or successours, be or shal bee, in suche case entytled to any such landes, tenementes, or hereditamentes, by double matter of recorde, any lawe, custome or vsage to the contrary in any wise notwithstanding.

¶ And further be it enacted by the auctoritie aforesaid, that where any inquisicion or office, is or shalbe founden, by these wordes or like. Quod de quo vel de quibus tenementa predicta tenentur iurat predict ignorant, or els founden holdē of the king. Per que seruic. ignorant, or such like that in such case, such tenure so vncertenely founden. De quo vel de quibus tenta p̄dict. tenentur ignorant, shall not be takē for any

immedi-

immediatlye tenure of the king, nor such tenure so founden of the king. Per quo seruic. ignorant, shal not be taken any Tenure in capite, but in such cases, a melius inquirendum, to bee awarded as hath bene accustomed in old time, any vsage of latter time to the contrarye notwithstanding.

¶ And be it further enacted by aucthority aforesaide, that where it is or shalbe foundē by any office, or inquisicion, that any landes, tenementes, or hereditamentes are, or shalbe discended, remained, or common to any heire within age, and in the kinges warde, or that ought to be in the kinges warde, & that such lands, tenements, or hereditamēts, are holdē of the king immediatly, wherin dede ỹ same are or shall bee holden of some other common person, and not of the kinge immediatlye: that in such case, such heire or heires, shal and may haue their trauerse to the same bin age, and like remedye and restitucion vpon his or their title, founden or iudged for him or them therin, as hath bene accustomed and vsed in other cases of trauerses, anye lawe, vsage, or custome to the contrarie in anye wise notwithstanding

¶ Also where the kinges Maiestie by his Prerogatiue, ought to haue as well suche landes, and tenementes, as be holden of other persons, as holden of himselfe immediatly, whereof his tenaunt holding of himselfe in chiefe, dieth seised his heire being within age, vntill such time as liuery be sued by such heire

heire, and that the meane Lordes, of whom the saide other lands and tenements, of such heire be holden, vsed to spare the rentes due to them for the same landes or tenementes, holden of them, during the kinges possession And when such heire hath sued, his or their liuerye they vse by distresse, or otherwise to compell the said heire to pay to them the arrerages of such rentes, for such time as the saide landes or tenementes, were in ỹ kings possession by suche minoritie, where they shoulde haue sued by peticion to the kinges maiesty, to haue obtained the same out of the kinges handes, if they woulde haue the same whiche is to the great detryment, losse, and hinderance of such heire and heires. For redresse whereof be it enacted by the aucthority of this present parliament, that from henceforth, such meane Lordes, duringe such minoritie, shall haue, receiue, and take the sayd rentes by the handes of such the kings officers, as shalbe appointed to haue receiue, & take the issues, reuenues, and profites of the same landes, and tenements, so holden of such meane Lordes, during the minority and nonage of such heire and heires, and vntill such heire and heires sue his or their liuery, and that such heire and heires vntill such tyme as he or they shall haue sued their liuerye, or might conueniently haue sued their liuerye, shalbe thereof clerely discharged. And that such officer or officers shall vpon requeste made, pay, the same to suche meane Lordes

(they

(they geuinge to suche officer and officers, a sufficiente acquitaunce, or acquytaunces, for the receipte of the same.) And that such payment thereof made with acquitaunce, or acquitaunces thereof, shewed, shall bee to suche officers a suffycient discharge, againste the kinges maiesty, and his heires vpon his or their accompte in that behalfe, any lawe, vsage or custome heretofore had, or vsed to the contrary hereof in anye wyse notwithstanding.

¶ Prouided alwaies, and it is enacted by the aucthoritie aforesaide, that this acte, or anye thinge therin contained, shall not in anye wise extende to any inquisicion or office taken or founden, at anye time before the xx day of Marche next comming, nor to hinder preiudice, or take awaye, the title, interest, or possession of our Soueraigne Lorde the kinge, or of anye other persone or persones growen, or commen by vertue, meane or occasion of anye inquisicion or office taken, or founde before the same day, but that as well our saydo Soueraigne lorde the king, as all other personne or persones, hauinge any title, interest, or possession, by verture, meane or occasion of any inquisicion or office foūde before the same daye, shall, and may haue, holde, and emoy the same in like maner and fourme, as though this acte had neuer ben had or made, any thinge in the same acte to the contrary in any wise notwithstanding.

¶ Prouided also, and it is enacted by the auctho-

aucthoritie aforesaide, that in all such cases as anye persone or persones shall bee enhabled by this acte to haue any trauerse, and shal pursue his or their trauers, that then he or they that shal pursue suche trauerse, shall sue one writte, or seuerall writes of Scire facias (as the case shall require) against all singuler suche persone and persones as shall haue interest by the kinge, or by his patente or patentes, in like maner and fourme as is requisite, vpon trauerses, or peticions hereto fore pursued. And that in euery suche Scire facias, the patentes, or other defendauntes shall haue lyke plees, and aduauntage, as they had in anye Scire facias, before this time awarded againste anye patentee in any case of peticion. And also, ẏ vpon euery trauers ẏ shal be pursued by vertue or mean of thys act, in such case as the party or parties that shall pursue any suche trauers, shoulde by the order of the common lawes of thys Realme, haue bene put to sue by peticion to the kinge, there shalbe two writes of searche graũted in maner & fourme, as like writes haue ben graunted vpon peticions made to the kinge.

¶ Prouided also, and it is enacted by the aucthoritie abouesaide, that if after any iudgement shalbe geuen vpon anye trauers, that shalbe tended, or sued by vertue or meane of this acte, it shall appeare by any matter of recorde, that the kinge hath anye other former title, right, or interest to the manours,

landes

landes, tenementes, or other hereditaments, mencioned in the same trauers, that then the same title, right, and interest, shalbe saued to the kinge, the saide trauers and iudgement thereupon geuen, in any wise notwithstanding.

¶ Tithes.

¶ An Acte for payment of Tithes.
An. 2. E. 6. cap. 13.
¶ Tithes. 10

WHerein the Parliament holden at westminster the tiij. day of Februarie in the xxvij. yere of the raigne of the late kinge of moste famous memorye kinge Henry the eight. | cap. 20. Tithes. 5. | there was one acte made, concerninge payment of tithes prediall and personall. And also in another Parliament holden at Westminster the xxiij daye of July in the xxxij. yere of the raigne of the said late kinge Herye the eight, | cap. 7. Tithes 8. |. In other acte was made concerning true payment of tithes and offerings, in which seueral actes, many and diuers thinges be omitted and left out, which were conuenient and very necessarie to bee added to the same. In consideracion whereof, and to thintent the saide tithes may be hereafter truelye paide, according to the minde of the makers of the saide acte Be it ordeined and enacted by the king our soueraigne Lorde, with the assent of the Lordes

lordes spirituall and temporal, and the commons in this present parliament assembled, & by the auctoritie of the same, that not only the said actes made in the saide .xxvij. and xxij. peres of the reigne of the said late king Henry the eight, concerning true paymēt of tithes, and euery article, and braunche therin conteined, shall abide and stande in theire full strength and vertue, but also bee it further enacted by thauctoritie of this present parliament, that euery of the kings subiects shall from henceforth truely and iustly without fraude or guyle, deuide, set out, yelde and pay, al maner of their predial tithes, in their proper kinde, as they rise and happen, in such maner & fourme, as hath been of right yelded and payd, within foretye peres, nexte before the making of this acte, or of right or custome ought to haue been paide. And that no person shall from henceforth take or cary away, any suche or like tithes, whiche haue been yelded or payde within the saide foretye yeares, or of right ought to haue ben payde, in the place or places tithable of the same, before he hathe iustly deuyded or set foorth for the tithe thereof, the tenthe part of the same or otherwise agreed for the sāe tithes, with the person, vicar, or other owner, proprietorye, or fermour of the same tythes vnder ỹ paine of forfaiture of treble value of ỹ tithes so taken or caried away.

And bee it also enacted by the auctoritye aforesaide, that at al times whensoeuer, and

as often as the saide predyall tithes shall be due, at the tithing time of the same, it to bee lefull to euery party to whom anye of the sayd tithes ought to bee payd, or his deputy or seruant, to view and see their said tithes to bee iustly and truelye set forthe and seuered from the. ix. partes, and the same quietly to take and cary away. And if anye persone cary away his corn or hay, or his other predialL tithes, before the tithe thereof bee set forthe, or willingly withdraw his tithes of the same, or of suche other thinges, whereof predialL tithes ought to be paide, or doe stop or let the person, vicar, proprietor, owner or other their deputyes or fermours, to view, take, & cary away their tithes as is aboue saide, by reason whereof the saide tithe or tenthe is loste, impaired, or hurte, that then vpon due proofe thereof made, before the spirituall iudge, or anye other iudge, to whom heretofore hee might haue made complaynt, the party so carying awaye, withdrawing, letting or stopping, shall pay the double value of the tenth or tithe, so taken, lost, withdrawen or caried away, ouer and besides ỹ costes, charges and expences of ỹ suite in the same, the same to be recouered before the ecclesiasticall iudge, according to the kynges ecclesiasticall lawes.

¶ And be it further enacted by thauctoritie afore saide, that all and euery persone which hath or shall haue any beasts, or other cattel tithable, going, feeding, or depasturing in

in any waste or common ground, whereof ẏ parishe is not certainlye knowne, shall paye their tithes for the increase of the said cattel so going in the said waste or common, to the person, vicar, proprietory, porcionary, owner or other their fermours or deputies of ẏ parrish, hamlet, towne, or other place, wher the owner of ẏ said cattel ĩhabiteth or dwelleth

¶ Prouided alwaies, and be it enacted by thaucthority aforesaid, that no person shalbe sued, or otherwise compelled to yeld, geue or pay any maner of tithes, for any mannours, lands, tenem̃ts, or hereditam̃ts, whiche by ẏ lawes & statutes of this realme, or by anye priuiledge or prescription, are not chargeable with the payment of any such tithes, or that be discharged by any composition reall. |Se before. 31. H. 8. cap. 13.

¶ Prouided alwaies, and be it enacted by thaucthority aforesaid, ẏ al such baren heath or wast ground (other then suche as be discharged for ẏ payment of tithes by acte of parliam̃t) whiche before this time haue lyen baren & paid no tithes, by reasõ of ẏ same barẽnes, & now be, or hereafter shalbe improued & conuerted into arrable ground or medowe, shall from henceforth, after thend and terme of. vij. yeres, next after such improuemẽt, fully ended & determined, pay tithe for the corne & hay growing vppon ẏ same: any thing in this act to the contrary in any wyse notwithstanding.

¶ Prouided alwaies, and be it enacted by

the aucthoritie aforesaide, that if anye suche barren, wast or heath grounde, hathe before this time ben charged with the payment of any tithes, and that the same bee hereafter improued and conuerted into arrable groūd or medow, ye then ye owner or owners thereof, shall during. vij. yeres next folowing, frō and after the same improuement, paye suche kind of tithe as was payd for the same before the sayde improuement: anye thinge in this act to the contrary, in any wise notwstanding.

¶ And bee it also further enacted by aucthoritie aforesaid, that euery pson exercising merchandises, bargaining & selling, clothig, handicraft, or other arte or faculty, beynge such kind of persons, and in such places as heretofore within this. xl. yeres haue accustomably vsed to pay suche personal tythes, or of right ought to pay, other then suche as ben common day laborers, shal yerely at or before the feast of Easter, pay for his personal tithes, the x. part of his clere gaines, hys charges and expences, accordinge to his estate, condicion or degree, to be therin abated allowed, and deducted.

¶ Prouided alwaies, and bee it enacted, that in all such places, where handy craftes men, haue vsed to pay their tithes win thys forty yeres, the same custome of payment of tithes, to be obserued, & to cōtinue: any thig in this act to ye contrary notwstanding.

And bee it also enacted by the aucthoritye afore=

foresaide, that if any person refuse to pay his personal tithes in fourme aforesaid, that thē it shalbe lefull to the Ordinary of the same dioces, where the party (that so ought to pay the said tithes) is dwelling, to call the same party before him, & by his discretion, to examine him by all lawfull & reasonable meanes, other then by the parties owne corporate othe, concernyng the true payment of ẏ said personall tithes.

¶ Prouided alwaies, & bee it enacted by the aucthoritie aforesaid, that al & euery person & ꝑsons, which by the laws or customes of this realme, ought to make or paye their offrings, shal yerely frō henceforthe, well & truely content & pay, his or their offrings, to the person, vicar, proprietory, or their deputies or fermers, of ẏ parish or parishes wher it shall fortune or happen him or them, to dwell or abide: & that at suche fower offring daies, as at anye time heretofore within the space of .iiij. yeres last past, hath been vsed & accustomed for ẏ paiment of ẏ same, & in default therof, to pay for their said offrings at Easter then next folowing.

Prouided also, & be it enacted by the auethoritie aforesaid, that this act or any thyng therin conteined, shal not extend to anye parish, which stands vpon, & towardes the sea coasts, the cōmodities & occupying wherof consisteth chiefly in fishing, & haue by reasō thereof, vsed to satisfie their tithes by fish, but ẏ all & euery such parish & parishes shal

hereafter paye their tithes, accordinge to the lawdable customes, as they haue heretofore of auncient time, within this .xl. yeres, vsed and accustomed, and shall pay their offrings as is aforesaid.

Prouided alwaies, & be it enacted by the auctoritie aforesaid, ỹ this act or any thing therin conteined, shal not extend in any wise to the inhabitants of the citie of London & Caunterbury, & the suburbs of the same, ne to any other towne or place, that hathe vsed to pay their tithes by their houses, otherwise then they ought or shoulde haue done, before the making of this act: any thing conteyned in this acte, to the contrary in any wise notwithstanding | 2e 27. H. 8. cap. 21. & 37. H. 8 cap. 12. and the decree thereuppon in the collection of statutes. Tythes. 6 & 9.

¶ And bee it further enacted by the auctoritie aforesaid, that if any person do subtract, or withdraw any maner of tithes, obuencions, profites, cõmodities, or other dueties before mencioned, or any parte of them, contrary to the true meaning of this act, or of any other act heretofore made, that then the party so subtracting, or withdrawinge the same, may or shal be conuented and sued in the kinges ecclesiasticall court, by ỹ partye from whom the same shalbee subtracted or withdrawen, to thintent the kings iudge ecclesiastical, shal and maye, then and there, here and determine the same according to the kinges ecclesiasticall lawes. And that it shal

not

not be lawfull vnto the person, vicar, ꝑpri-
etorye, owner, or other their fermours, or
deputies, contrary to this act, to conuent or
sue such withholder of tithes, obuenciõs, or
other dueties aforesaide, before anye other
iudge, then ecclesiasticall. And if any arche-
bishop, bishop, chauncellor, or other Iudge
ecclesiastical, geue any sentence in the fore-
saide causes of tithes, obuentions, profites,
emoluments, and other dueties aforesaid, or
in any of them (& no appeale ne prohibycion
hanging) the party condempned do not obey
the said sentence, that then it shalbe lefull to
euery such iudge ecclesiasticall, to excõmuni-
cate the said party, so as afore condempned,
& disobeying, in the which sentẽce of excom-
munication. if the said party excommunicate
wilfully stand and endure still excommuni-
cate, by the space of forty daies nexte after,
vppon denunciation & publication thereof, in
the parishe churche, or the place or parishe,
where the party so excommunicate is dwel-
ling, or most abiding, the said iudge eccle-
siasticall, may then at his pleasure signifie vnto
the king into his court of chauncerye, of the
state and condicion of the saide parye so
excommunicate, & therupon to require pro-
ces De excommunicato capiendo, to be awarded
against euery such person, as hath ben so ex-
communicate.

Be it further enacted by ye auctority a-
foresaid, that if any party at anye time here-
after, for any matter or cause before rehersed

limitted or appointed by this act, to be sued or determined, in the kinges ecclesiasticall court, or before the ecclesiastical Judge, do sue for any prohibition in any of the kynges courts, where prohibicions before this time haue been vsed to bee graunted, that then in euery such case, ỹ same party before any prohibition shalbe graunted to him or thē, shall bring & deliuer to the handes of some of the Justices or Judges of the same court wher such party demaunded prohibition, the very true copy of the libell, depending in the ecclesiasticall courte, concerning the matter, wherefore the party demaundeth prohibicyon, subscribed or marked, with the hande of the same party, and vnder the copy of ỹ said libel, shalbe written the suggestion, wherefore the party so demaundeth the said prohibicion: and in case the said suggestiō, by two honest and sufficient witnesses at the least, be not proued true in the courte, where the said prohibition shalbe so graunted, wythin fiue monethes next following, after the sayde prohibition shalbe so graunted and awarded that then the party that is letted or hindered of his or their suite in the ecclesiastical court by such prohibition, shall vppon his or their request & suite, without delay haue a consultacion graunted in the same case in ỹ court, where the saide prohibition was graunted, and shall also recouer double costes and damages against the partye that so pursued ỹ said prohibicion, the saide costes and damages

ges

ges to be assigned or assessed by the courte, where the saide consultation shalbe so graū=ted, for which costes and damages, the par=ty to whom they shalbe awarded, may haue an action of debt, by bill, plaint, or infor=mation in any of the kynges courts of recorde, wherein the defendaunt shall not wage his or their law, nor haue any essoigne or protec=tion allowed or admitted.

¶ Prouided alwaies and be it enacted by the auctoritie aforesaid, that this act or any thing therein conteined, shall not extende to geeue any minister or Iudge ecclesiasticall, any iurisdiction to holde plee of any matter, cause or thing, being contrary or repugnant to, or against the effect, intent or meaninge of the statute of westminster seconde, the. v. Chapiter, the statutes of Articuli cleri, circum=specte agatis: sylua cedua, the treatise, De regia ꝓ=hibitione ne against the statute of anno primo Edwardi tertii the tenth Chapiter, or anye of them, ne yet hold plee in any matter, wher=of ỹ kings court of right, ought to haue iu=risdiction, any thing herein conteined to the contrary in any wise notwithstanding.

¶ Prouided neuertheless, where hereto=fore such a custome hath ben in many parts of wales, that of such cattel and other goods as hath ben geuen with the mariage of anye person, there tithes haue ben exacted and le=uied by the persons & curates in those parts whiche custome being dissonaunt, from any part of this realme, as it seemed when the

sayd

sayde countrey of Wales, was through ciuil dissention vnculted, for want of other sufficient profits, that might otherwise growe to the curates and ministers there, to haue ben for that time tollerable. so now the countrey being well manured and husbanded, & that tithe is duelye payde there, of corne, haye, wooll and cheese, and of other increase of al maner of cattell, as it is commonlye in all other partes of this realme, ỹ same custome seemes to bee greeuous and vnreasonable, specially where the benefices are els sufficient for the findinge of the saide ministers and curates, that it bee therefore enacted by the auctoritie aforesaide, that from and after the first day of May next comminge, no suche tithes of mariage goods be exacted or required of any persone within the saide dominion of Wales, or marches of the same: any thynge in this acte conteyned, or anye other acte, custome, prescription, had or made to the contrarye hereof notwythstandyng.

¶An acte for the limitation of prescription in certaine cases made in the second session of the first parliament. I. M. Cap. 5.

¶Limitation. 2.

THe saide former acte made in the sayde xxth yere of the raigne of the saide late kig Hēry | which is before. 32. H. 8. ca. 2

¶Limitation. 3

Limitation. 3. |or any article, clause, ſẽtence or matter therin conteyned, ſhal not extende to any writ of right of aduowſon, Quare impedit, or aſſiſe of darrein preſentment, or iure patronatus, nor to any writ of right of ward, writ of rauiſhment of warde, for the wardſhip of the body, or for the wardſhip of anye caſtels, honors, manours, lands, tenements, or hereditamẽts, holden by knightes ſeruice nor to the leyſer of the wardſhip of the body of any warde or wardes, or to the leyſer or wardſhip of anye caſtels, honours, manours landes, tenements, or hereditaments holden by knightes ſeruice, but that all and euerye perſon and perſones, bodyes polytique and corporate, their heires and ſucceſſoures, the heires and ſucceſſours of euery of them ſhall and maye haue, mayntaine, and purſue all and ſinguler the ſaide writes of right, of aduowſon, quare impedit, aſſiſe of darrein preſentment, iure patronatus, writtes of right of warde, rauiſhment of warde, & alſo ſeaſe the wardſhip both of the body, and of the caſtels, honours, manours, lands, tenements, & hereditamẽts, holden by knights ſeruice, in like maner & fourme, to al intẽtes conſtructions & purpoſes as they or anye of them ſhoulde or might haue doone, made, or purſued, before ỹ making of ỹ ſaide act made in the ſaide .xxvij. yere |cap. 2. |as though the ſame acte had neuer ben had or made: anye thing in the ſaid former act to the contrarye notwithſtanding.

Fraudulent deedes.

¶ An act againſt Fraudulent deedes, gifts grauntes, alienations, &c. Anno 13. El. Cap. 5.

¶ Fraudulent deedes. 1.

For the auoyding & abolishing of faigned, couenous, and fraudulent feoffements, gifts, grãts alienatiõs, conueiaunces, bõds, suits iudgements, & executions, aswell of landes & tenemẽts. as of goods and cattels, more cõmonly vsed and practised in these dayes, then hath been seene and harde of heretofore: which feoffementes, giftes, grauntes, alienations, conueyaunces, bondes, suites, iudgements, & executions, haue been, and are, deuised and contriued of malice, fraude, couin, colluſion or guyle, to the ende, purpose, and intent, to delay, hynder, or defraud creditors, & others of their iust and lawful actions, suites, debts accomptes, damages, penalties, forfaitures heriots, mortuaries, and reliefes, not onely to the let or hinderance of the due course and execution of lawe and iustice, but also to the ouerthrowe of all true and plaine dealinge, bargayning, and cheuisaunce, betweene mã and

and man, without the whiche noe common wealth or ciuile societie can be maynteyned or continued: Be it therfore declared, ordeined, and enacted, by aucthoritie of this present parliament, that all and euerye feoffement, gift, graunt, alienation, bargayne, and conueyaunce of landes, tenements, hereditamentes, goods, and cattelles, or of anye of them, or of anye lease, rente, common, or other profite or charge out of ỹ same landes, tenementes, heredytaments, goods and cattelles, or anye of them, by wrytynge, or otherwise: and all and euerye bond, suite, iudgement, and execution, at anye time had or made sythence the begynnings of the Queenes Maiesties raigne that nowe is, or at anye time hereafter to be had or made, to or for anye intent or purpose before declared and expressed, shalbe from henceforth deemed & taken (onely as against that personne or personnes, his or their heires, successours, executours, administratours, and assignes, and euery of them, whose actions, suites, debtes, accomptes, damages, penalties, forfaitures, heriots, mortuaries, and reliefes, by suche guylefull, couenous, or fraudulent deuises and practises, as is afore said, are, shall, or mought be in any wise disturbed, hyndred, delayed, or defrauded) to bee clearely and vtterly voide, frustrate, and of none effecte: anye pretence, colour, fayned consideration, expressyng of vse, or anye other matter or thynge to the contrarye,

notwith-

notwithstandynge.

¶ And bee it further enacted by thauctho-ritye aforesayde, that all & euerye the par-tyes to suche fayned, couenous, or fraudu-lent feoffement, gyft, graunt, alienatyon, bargayne, conueyance, bonds, suites, iudge-mentes, executions, and other thynges be-fore expressed, or beynge priuie and kno-wing of the same, or any of them, which at anye tyme after the tenth day of June next commyng, shall wittingly and wyllyngly put in vre, auowe, mainteine, iustifye, or defende the same, or anye of them, as true, simple, and doone, had, or made, bona fide and vpon good consideration: or shall alien or assigne anye the landes, tenementes, goods, leasses, or other thynges beefore mencioned, to him or them conueyed, as is aforesaide, or anye parte thereof, shall in-curre the penaltie and forfayture of one ye-res value of the saide landes, tenementes, and hereditamentes, leasses, rentes, com-mons, or other profites, of or oute of the same, & the whole value of the said goods and cattels, and also so muche money, as are or shal bee conteyned in any suche coue-nous and fayned bonde: the one moytye whereof to bee to the Queenes Maiestye, her heires and successours, and thother moi-tye to the partye or partyes greeued by suche fayned and fraudulent feoffement, gyfte, graunt, alienatyon, bargayne, con-ueyaunce, bondes, suies, iudgementes, ex-

ecutions,

ecucions, leaſſes, rentes, communes, pro-
fites, charges, and other thynges aforeſaid,
to bee recouered in anye of the Queenes
courtes of recorde, by accion of debt, byll,
playnt, or informacion, wherein none eſ-
ſoigne, protection, or wager of lawe, ſhal-
be admitted for the defendāt or defendāts &
alſo being therof lawfully cōuicted, ſhal ſuf-
fer impriſonment for one halfe yere without
baile or mainprize.

¶ Prouided alwaies, and bee it further
enacted by the aucthoritie aforeſaide, that
where as ſundrye commen recouerpes of
landes, tenementes, and hereditamentes,
haue heretofore ben had, and hereafter may
bee had againſt tenaūt in tayle, or other te-
naunt of the freeholde, the reuerſion or re-
maynder, or the ryghte of reuerſion or re-
maynder then beynge in anye other per-
ſonne or perſonnes, that euery ſuche com-
mon recouerye heretofore had, and hereaf-
ter to bee had of anye landes, tenementes,
or hereditamentes, ſhall as touchyng ſuche
perſonne and perſonnes, whyche then had
anye remainder or reuerſion, or ryghte of
remaynder or reuerſion, and againſt ye heirs
of euery of them, ſtand, remaine, & be of ſuch
like force and effect, & of none other, as the
ſame ſhould haue ben, if this acte had neuer
ben had ne made.

¶ Prouided alwaies, & be it further enac-
ted by thaucthoritie aforeſaide, that thys
acte

acte, or any thing therein conteined, shal not extende to make voide any estate or conueiaunce, by reason whereof anye persone or persones shall vse any voucher in any writ of Forme downe nowe dependinge, or hereaftes bee dependynge, but that all and euerye suche vouchers in anye wrye of Forme downe shall stande and bee in lyke force and effecte, as if this act had neuer ben had ne made: any thing before in this acte conteined to the contrary notwithstanding.

¶ Prouided also, and be it enacted by the aucthoritie aforesaide, that thys act, or any thynge therein conteyned, shall not extende to anye estate or interest in landes, tenementes, hereditamentes, leases, rentes, commons, profites, goods, or cattels, had, made, conueyed, or assured, or hereafter to bee had, made, conueied, or assured, which estate or interest, is or shalbe vpon good cõsideration, & bona fide lawfully conueyed, or assured to any persone or persons, or bodies politique or corporate, not hauing at ỹ tyme of suche conueyaunce or assuraunce to them made, any maner of notice or knowledge of suche couine, fraude, or collusion, as is afore saide: any thing before mencioned to the contrary hereof, notwithstanding. This acte to endure vnto the ende of the first session of ỹ next parliament. | Anno. 14. El. cap. continued vnto the end of the next parliament.

¶ An

¶An acte that the exemplification or conſtat of letters patentes, ſhall be as good and auaileable as the letters patentes them ſelues. Añ. 13. Eliz. cap. 6. Grauntes. 3.

FOr the auoiding of all ſuch doubts, queſtions, and ambiguities, as heretofore haue riſen and ben moued, & of ſuch as hereafter might riſe and bee moued, in & vpon the ſtatute made in ỹ parliament begun & holden at Weſtminſter the xiij. day of November, in the third yere of the raigne of our late ſouereigne Lord king Edwarde the ſixt, entituled, an acte concerning grauntes and giftes, made by patentees out of letters patentes, which is 3. E. 6. ca. 4. Graunts 2. & for a due & full ſupply of all ſuch wantes as maye be thought to be therin. Be it enacted & declared by the auctority of this preſent parliament, that al & euery patentee & patētees, their heires, ſucceſſours, executours, & aſſignes, & al and euery other perſone & perſones, hauing by, or from thē or any of them, or vnder their title, any eſtate or intereſt, of, in, or to any lands, tenements, or hereditamentes, or any other thing whatſoeuer, to ſuch patētee or patentees heretofore graunted by any letters patentes, either of the moſte famous princes king Henry the eight, king Edward ỹ ſixt, Queene Mary, king Philip & queene Mary, or by any of them, or by the Queenes moſt excellent Maieſty that nowe is, at any time ſithence the xiij. day of Februarye, in the

xxvij yere of the raigne of the said late kinge Henry the eight, or els by ẏ Queenes Maiestie that now is, hir heires or successours, at any time hereafter to bee graunted, shall and maye at all times hereafter, in anye of the Queenes highnesse courtes, her heires, or successours, and els where, by the auctho-rity of this present acte, make & conuey, & be allowed & suffered to make & conuey, to & for him, thē, & euery of themselues, such claime, or title, by way of declaration, plaint, auow-rie, barre, replicaciō, or other pleading what soeuer, aswell against the Queenes highnes hir heires, & successours, & euery of thē, as a-gainst al & euery other persō & persons what soeuer, for or concerning the lands, tenemēts hereditaments, or other thinges whatsoeuer specified or conteined in any such letters pa-tents, or of, for, or cōcerning any part or pcel therof, by shewing forth an exemplification or constat, vnder ẏ great seale of England, of the inrolment of ẏ same letters patents, or of so much thereof, as shall & may serue to, or for such title, claime, or matter, the same let-ters patentes then being and remaininge in force, not lawfully surrendred nor cancelled for or concerninge so muche and such parte and parcell of such landes, tenementes, here-ditamentes, or other thing, whereunto suche title or claime shalbee made, as if ẏ same let-ters patēts self were pleaded & shewed forth any law, vsage, or other thinge, whatsoeuer to the contrary notwithstanding.

¶ An

¶An acte againſt Vſurye: an.13.Eliz. cap.8.

¶Vſurye.8.

VVHere as in the parliament holden the xxvij.yere of the Raigne of our late Soueraigne lord king Henry the eight of famous memorie|cap.6.Vſurie.6.| there was then made & eſtabliſhed one good acte for the reformacion of vſurye, by which act ẏ vice of vſury was wel repreſſed & ſpecially the corrupt cheuiſance & bargapning by way of ſale of wares,& ſhifts of intereſt. And where ſince ẏ time by one other acte made in the v.& vi.yeres of the raigne of our late ſoueraigne lord king Edward ẏ vi.|ca.20.|the ſaide former act was repelled, & new prouiſos for repreſſinge of vſury deuiſed & enacted,which ſaide latter act hath not done ſo much good as was hoped it ſhoulde but rather ẏ ſaid vice of vſury,& ſpecially by waye of ſale of wares & ſhiftes of intereſt, hath much more exceedingly abounded,to the vtter vndoing of many gentlemē,marchāts occupiers & other,& to ẏ importable hurt of ẏ cōmon wealth,alwell for ẏ in ẏ ſaid latter acte ther is no prouiſiō againſt ſuch corrupt ſhiftes & ſales of wares, as alſo for ẏ ther is no difference of paine, forfaiture, or puniſhment,vpon the greater or leſſer exactions & oppreſſions,by reaſon of lones vpon vſurye. Be it therefore enacted, that the ſaide leter ſtatute made in the v. and vi.yeres of the raigne of king Edward ẏ vi|ca.20.| & euery

branche and article of the ſame, from & after the xxv day of June next comming, ſhall be vtterly abrogated, repelled, & made voide, & that the ſaid act made in the ſaid xxxvij. yere of kinge Henry the eight | ca. 6. | from & after the ſaide xxv day of of June next comming ſhalbe reuiued, & ſtande in full force, ſtrength and effect.

¶ And be it further enacted, that all bonds contractes, & aſſurances, collaterall or other to be made for payment of any principall, or money to be lent, or couenant to be performed vpon or for any vſury, in lending or doing of any thing againſt the ſaid acte nowe reuiued, vpō or by which lone or doing, ther ſhalbe reſerued or taken, aboue the rate of x. poundes for the hundred for one yere, ſhall be vtterly voide.

¶ And be it further enacted, that al Brokers, ſolicitors, & driuers of bargaines, for contractes or other doings againſt the ſayde ſtatute now reuiued, wherupon ſhalbe reſerued or taken more then after the rate of x.li. for the lone of C.li. for a yere, ſhalbe to al intents & purpoſes, iudged, puniſhed, & vſed as Counſellours, attourneis, or aduocates, in anye caſe of premuntre.

¶ And for aſmuch as all vſury beinge forbidden by the lawe of God, is ſinne & deteſtable. Be it enacted that all vſury, lone, & forbearing of money, or geuing daies for forbearing of money, by way of lone, cheuiſaunce, ſhifts, ſale of wares, cōtract, or other doings what-

whatſoeuer for gaine, mencioned in the ſaid ſtatute which is now reuiued, whereupon is not reſerued, or taken, or couenaunted to bee reſerued, paide, or geuen to ỹ lender, contracter, ſhifter, forbearer, or deliuerer, aboue the ſumme of x.li. for the lone or forbearing of a C.li. for one yere, or after that rate for a more or leſſer ſũme or time, ſhalbe frõ the xxv. day of June next comming, puniſhed in fourme folowing, that is to ſay, that euery ſuch offẽdour againſt this branch of this preſent ſtatute, ſhal forfait ſo muche as ſhalbe reſerued by way of vſurie, aboue the principall, for any money ſo to be lent or forborne. All ſuche forfaitures to be recouered & imploied as is limitted for forfaitures by the ſaide former ſtatute nowe reuiued.

¶ And be it further enacted that Juſtices of Oier & Terminer, & Juſtices of aſſiſe in their circuites, Juſtices of peace in their ſeſſions, maiors, ſhriues, & bailifies of Cityes, ſhall alſo haue ful power & aucthority to enquire, heare, & determine, of all and ſinguler offences committed againſt the ſayde ſtatute now reuiued.

¶ And be it further enacted, that ỹ ſaid ſtatute now reuiued, ſhalbee moſt largelye and ſtrongly conſtrued for the repreſſing of vſury & againſt al perſons that ſhal offend againſt the true meaning of the ſaide ſtatute by anye way or deuiſe, directly or indirectly.

¶ Prouided alway, that this ſtatute doth not extende, nor ſhalbe expounded to extende

vnto any allowances or paymentes for the finding of Orphanes, according to the auncient rates, or cuſtomes of the citie of London, or any other Citie where like order is for the cuſtody of Orphanes & their goodes as is in the ſaid city of London.

¶ Prouided alwaies, and bee it further enacted by the authority aforeſaid, that if any perſon or perſons, ſhal from and after the ſaid xxv. day of June, offende contrarye to the ſaide ſtatute reuiued by this preſent acte made in the xxxvij. yere of the raigne of the ſaide late kinge Henry the eight [ca. 6.] that then all and euery ſuch offendour and offendours, ſhall and may alſo be puniſhed & corrected, according to the Eccleſiaſtical lawes heretofore made againſte vſurie. And that all and euery perſon and perſons offendinge in vſurie, ſhiftes, or cheuiſance againſt this preſent acte, and not taking or receauing but onely after the rate of x. poundes in the hundred, or vnder, for a yere, ſhalbe onely puniſhed by the paines and forfaitures prouided and appointed by this acte, againſte ſuche as ſhall not take or receaue euer and aboue the rate of tenne poundes in the hundred for a yere, and not otherwiſe. This acte to continue and endure for and during the ſpace of fiue yeres, next after the end of this preſent Parliament, and from thence vnto the end of the firſt Seſſion of the Parliament then next enſuing.

¶ And be it further enacted by the authority

ritie afozeſaid, that if this preſent acte ſhall not be continued in the firſt Seſſion of the Parliament nexte enſuing the ſaid terme of v. yeres, and then in the ſame Seſſion no other ſtatut oz prouiſion made againſt vſury oz cozrupte cheuiſance, ỹ then al & euery the lawes & ſtatutes repelled by this act, ſhal remaine and be of ſuch like fozce & effect, as if this preſent acte had neuer ben had ne made |vide.5.E.6.ca.20.9.|

¶ An acte againſt fraudes, defeating remedies for dilapidacion of Eccleſiaſticall liuinges, and for Leaſes to be graunted by collegiat churches. 13. Eli. 2. cap. 10.

¶ Leaſes. 4.

FOz that long & vnreaſonable leaſes made by colleges, Deane, & chapters, parſons, vicars, & other hauinge ſpirituall pzomotions, be the chiefeſt cauſes of dilapidations & the decay of all ſpirituall liuinges & hoſpitalitie, & ỹ vtter impouerifhing of al ſucceſſozs, incumbents in ỹ ſame. Be it enacted by the auctho3ity afozeſaid, ỹ from henceforth al leaſes, giftes, graunts, feoffements, conueiaunces, oz eſtates, to be made, had, done, oz ſuffered, by any maſter & felowes of any colledge, Dean, & chapter of any Cathedzall oz collegiat churche, maſter oz gardian of anye hoſpital, parſon, vicar, oz any other hauinge any ſpiritual oz eccleſiaſtical liuig, oz any houſes, lãds, tithes, tenements, oz other hereditaments being any parcell of the poſſeſſions

of any such colledge, Cathedral church, chapter, hospitall, parsonage, vicarage, or other spirituall promocion, or any waies appertaining or belonginge to the same, or of any of thē, to any person or persons, bodies politike or corporate (other then for the terme of xxi. yeres, or three liues, frō the time as any such lease or graūt shalbe made or graunted, wher vpō the accustomed yerely rent or more shal be reserued & payable yerely during the said terme) shalbe vtterly voide & of none effect to all intents, constructions, & purposes: any law, custome, or vsage, to the contrary any waies notwithstanding.

¶ Prouided neuertheiesse, & be it enacted by thauctority aforesaid, ẏ this act nor any thing therin contained, shalbe taken or construed, to make good any lease, or other grāt to be made by any such colledge, or collegiate church, within either of both the Vniuersities of Oxforde & Cambridge, or elswhere within the Realme of Englande, for more yeres then are limited by the priuate statuts of the same Colledge.

¶ Prouided alwaies, that this act shal not extende to any lease hereafter to be made vpon surrender of any lease heretofore made, or by reason of any couenāt or condition, cōtained in anye lease heretofore made, & nowe cōtinuing, so that the lease to be made do not conteine more yeres then the residue of the yeres of the former lease nowe continuinge shalbe, at the time of such leasé hereafter to

be

be made, nor anye leſe rent then is reſerued in the ſaid former leaſe. | Se a ſtatute made 1. Eliz. which is vnprynted concerninge exchaunges to be had, betwene the Queenes Maieſtie & Biſhoppes, what leaſes & aſſurances biſhops may make. Se alſo one other ſtatute made the ſaid 13. yere. ca. Leaſes. 5 and certaine braunches of the ſtatute made 14. Eliz. cap. 11. touching leaſes, & charges, by ſuch incumbentes, & the other matters of this ſtatute, which are omitted, bycauſe they are not yet perpetuall.

¶ Recoueries.

¶ An acte for the auoyding of recoueries ſuffered by colluſion by tenantes for terme of life, and ſuch others. Añ 14. Eliz. cap. 8.

¶ Recoueries. 5.

VVHere diuers perſons being ſeiſed, or that hae ben ſeiſed of landes, tenementes, and hereditamentes, as tenauntes by the curteſie of Englande, tenãts in taile after poſſibilitie of iſſue extincte, or otherwiſe, onely for terme of life or liues, or of eſtates determinable vpon life or liues, haue heretofore permitted & ſuffered, other perſons, by agrement or couine betwene thẽ had, to recouer the ſame landes, & tenemẽts & other hereditaments, againſt the ſame particuler tenantes, in the Queenes Maieſties court, or haue permitted & ſuffered themſelues to be vouched by other perſons, by agre-

ment

ment or counne betwene them had in recoue-
ries ſuffered of the ſame landes, tenements,
& other hereditamēts, in the Queenes Ma-
ieſties court, to the greate preiudice of thoſe
to whom the reuerſion or remainder thereof
hath appertained, or ought to appertaine.

¶ For remedy wherof, be it enacted by the
Queenes moſte excellent Maieſtie, wyth
the aſſent of the Lordes ſpirituall and tem-
porall, & the commons in this preſent parlia
ment aſſembled, & by aucthoritie of the ſame
that all ſuch recoueries, hereafter to be had
or proſecuted, by agreement of the parties,
or by couine, as is aforeſaide, againſte anye
ſuch particuler tenaunt of anye landes, tene-
mentes, or hereditamentes, wherof the ſame
particuler tenaunt is, or hereafter ſhalbe ſei-
ſed of any ſuch particuler eſtate as is afore
ſaid, or againſt any other, wyth voucher ouer
of anye ſuche particuler tenaunt, or of anye
hauinge, or that had righte or title to anye
ſuche particuler eſtate or tenauncie, as is a-
foreſayde, ſhall from henceforth, as againſt
ſuch perſone or perſones to whome any re-
uerſion or remainder therof, by force of any
conueiance or deuiſe before that time had or
made, ſhall, ought, or lawfully maye appar-
taine, & againſt their heires & ſucceſſours, be
clearely & vtterly voide & of none effect, any
law or vſage heretofore had to the contrarye
thereof, in any wiſe notwithſtanding.

¶ Prouided alway, that this act, nor any
thinge therein contained, ſhal extende, or be
preiu-

preiudicial, to anye persone or persones, that shall hereafter by good title, recouer anye landes, tenementes, or hereditaments, with out fraude or couin, by reason of any former right, or title, but that all & euery suth recouery, & recoueries, so to be had or prosecuted vpon former rights or titles, shall stand & be in like force, strength & effect, as they were before ye making of this act, any thing herein contained to the contrarye in any wise notwithstanding.

¶ Prouided also, that all & euery such recouery & recoueries, to be had or prosecuted, of any lands, tenements, or hereditamentes, as aforesaide, by the assent & agreement of anye person or persones, to whō any reuersion or remainder therof then shal or ought to appertaine (so ye the same assent & agreement do appeare of record in any court of our soueraign Lady the Queenes Maiesty, her heires or successours) shall stande and be in like force, strength, & of like effect, against such person & persons that shall so assent and agree, their heires and successours, as they were before the making of this acte, anye thinge herein contained to the contrarye, in any wise notwithstanding.

¶ Be it further enacted by the aucthoritye aforesaid, that one acte made in the xxxij. yere of our late soueraigne Lorde kinge Henrye the eight, entituled. An acte for the auoiding of recoueries by collusions by tenauntes for terme of life, an. 3. 32. H. 8. cap. 31. shall bee

from

from the first day of July next ensuing repealed: and shall no longer stand in force.

¶ Iurours.

¶ An Acte declaring that the tenant and defendant may haue a tales de circumstantibus, as well as the demaundant or plaintife 14. Eliz. cap. 9. Iurours. 20.

For the anoyding of great and chargeable delayes oftentymes happeninge vnto tenauntes, and defendaunts. Be it enacted that in all cases whereas the partie plaintife or demãdant by any statute heretofore made may haue vpon his or their request made vnto the Justices of Nisi prius, within thys Realme of Englande, or to the Justices of Oier, or of assises, of the xij. shires of Wales, & the counties palãtines of Lancaster, Chester, & Durham, a tales de circumstantibus, that in all and euery such case & cases, the partie & parties, tenaunts, actours, anowants, & defendants (if the plaintifes or demaundantes shal vpon the calling of the principal pannel or Jury, forbeare or refuse to pray the same) shall & may vpon his or their request or desire, haue vpon the same recorde, & by ẏ same Justices, the tales or talesses vnto thẽ grãted, in like maner fourme, & degree, to al respectes & purposes, as the plaintife or demãdant in any suit or accion may haue the same by any statute or ordinance heretofore made

or

or set forth, & the rather for the spedy tryall of the seuere issues ioined, or hereafter to be ioyned in any plee, suit, or accion, any lawe, custome, or vsage heretofore vsed to the contrary therof in any wise notwithstanding.

¶ Prouided also, & be it further enacted by the auctheritie aforesaid, that all populer accions, informacions, billes, or suites, comenced or had, or hereafter to bee commenced or had in any the Queenes Maiesties courts of recorde, vpon any penall lawes or statutes wherein any person doth, or shall sue, or prosecute, or informe, as well for the Queenes Maiestie, hir heires, & successors, as for him selfe, whereupon issue is or shalbe ioyned to be tried by the countrey, that therin ỳ partie defendant or defendants, shalbe admitted to pray & haue a tales de circũstantibus, as in other cases aforesaid. | Se touchinge Iurours de circumstantibus 35. H. 8. cap. 6. Iurours 17. made perpetuall 2. E. 6. cap. 32. & 4. & 5. P. & M. cap. 7. Iurrours. 18. & 5. Eliz. ca. 25. Iurours 19.

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